



00108274

THE
ASIATIC SOCIETY OF BOMBAY
TOWN HALL, BOMBAY-400 023.

Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020

APPENDIX

TO THE

R E P O R T

ON THE

A F F A I R S

OF

THE EAST INDIA COMPANY.

10827⁴.

II.

China Papers.

Ordered, by The House of Commons, to be Printed,
11 October 1831.



L I S T.

RETURN to an Order of the Select Committee of the Honourable House of Commons on the Affairs of the East India Company, dated 1st July 1831 ;— *requiring,*

A COPY of the CORRESPONDENCE between the Chinese Government, the Chief of the English Factory of Canton, and the Court of Directors, respecting any alleged Breach of the Laws of China, subsequent to the Departure of Mr. Plowden and the Succession of Mr. Baynes ; stating the grounds of difference between the Chief and the China Government, and the Proceedings thereon ; also, such Official Papers as relate to the Death of Mr. Mackenzie at Canton, and Proceedings thereon, up to the latest period.

(A.)—*Papers relating to the alleged Breach of the Laws of China.*

EXTRACT China Consultations ; dated respectively,

12th October 1830	-	-	-	-	-	-	-	-	-	-	p. 1
16th October 1830	-	-	-	-	-	-	-	-	-	-	p. 3
19th October 1830	-	-	-	-	-	-	-	-	-	-	p. 4
20th October 1830	-	-	-	-	-	-	-	-	-	-	p. 6
21st October 1830	-	-	-	-	-	-	-	-	-	-	p. 7
23d October 1830	-	-	-	-	-	-	-	-	-	-	ib.
25th October 1830	-	-	-	-	-	-	-	-	-	-	p. 10
28th October 1830	-	-	-	-	-	-	-	-	-	-	p. 12
29th October 1830	-	-	-	-	-	-	-	-	-	-	p. 15
1st November 1830	-	-	-	-	-	-	-	-	-	-	ib.
2d November 1830	-	-	-	-	-	-	-	-	-	-	ib.
13th November 1830	-	-	-	-	-	-	-	-	-	-	p. 16
30th November 1830	-	-	-	-	-	-	-	-	-	-	p. 17
8th December 1830	-	-	-	-	-	-	-	-	-	-	p. 19
11th December 1830	-	-	-	-	-	-	-	-	-	-	ib.
12th December 1830	-	-	-	-	-	-	-	-	-	-	p. 20
14th December 1830	-	-	-	-	-	-	-	-	-	-	p. 21
23d December 1830	-	-	-	-	-	-	-	-	-	-	p. 22
29th December 1830	-	-	-	-	-	-	-	-	-	-	p. 24
4th January 1831	-	-	-	-	-	-	-	-	-	-	ib.
13th January 1831	-	-	-	-	-	-	-	-	-	-	p. 25

Extract Letters from the Select Committee at Canton to the Court of Directors ; dated respectively,

23d October 1830	-	-	-	-	-	-	-	-	-	-	p. 26
15th November 1830	-	-	-	-	-	-	-	-	-	-	p. 28
15th December 1830	-	-	-	-	-	-	-	-	-	-	p. 29
1st January 1831	-	-	-	-	-	-	-	-	-	-	ib.
11th February 1831	-	-	-	-	-	-	-	-	-	-	p. 30
13th April 1831	-	-	-	-	-	-	-	-	-	-	ib.

(B.)—*Papers relating to the Death of Mr. Mackenzie at Canton.*

EXTRACT China Consultations ; dated respectively,

4th October 1830	-	-	-	-	-	-	-	-	-	-	p. 31
5th October 1830	-	-	-	-	-	-	-	-	-	-	p. 33
6th October 1830	-	-	-	-	-	-	-	-	-	-	p. 37
7th October 1830	-	-	-	-	-	-	-	-	-	-	p. 38
10th October 1830	-	-	-	-	-	-	-	-	-	-	p. 39
12th October 1830	-	-	-	-	-	-	-	-	-	-	p. 40
13th October 1830	-	-	-	-	-	-	-	-	-	-	p. 42
18th October 1830	-	-	-	-	-	-	-	-	-	-	p. 43
20th October 1830	-	-	-	-	-	-	-	-	-	-	ib.
21st October 1830	-	-	-	-	-	-	-	-	-	-	p. 45
22d October 1830	-	-	-	-	-	-	-	-	-	-	ib.
23d October 1830	-	-	-	-	-	-	-	-	-	-	ib.

REDRESS OF GRIEVANCES—*continued.*

- (4.)—Company's Ships detained in consequence of the Hong Merchants refusing to satisfy extortionate Demands of the Hoppo :

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

31st January 1811 - - - - - p. 56

10th February 1811 - - - - - p. 57

- (5.)—Trade of the Season delayed in consequence of the Viceroy directing that Mr. Roberts, one of the Select Committee of Supracargoes, should leave Canton :

Secret Department:—Extract Letter from J. F. Elphinstone, Esq. to the Hon. the Chairman of the East India Company; dated Canton, 23d Dec. 1813 - p. 57

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 22d February 1814 - - - p. 58

Extract Letter from the Select Committee at Canton to the Secret Committee of the Court of Directors; dated 22d February 1814 - - - p. 59

- (6.)—First Lieutenant of His Majesty's Ship Indefatigable attacked while on Shore, and severely ill-treated by the Chinese :

Extract Letter in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors; dated 10th January 1812 - p. 59

- (7.)—Respecting the embarrassed Circumstances of some of the Hong Merchants:

Extract Letters in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

2d March 1813 - - - - - p. 60

31st March 1813 - - - - - ib.

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 22d February 1814 - - - p. 61

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 16th January 1813 - - - p. 62

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 16th January 1815 - - - p. 63

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 11th March 1815 - - - p. 63

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

12th March 1815 - - - - - p. 64

9th April 1815 - - - - - ib.

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 9th April 1815 - - - p. 65

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 30th April 1815 - - - p. 65

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 12th October 1815 - - - p. 66

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 3d December 1815 - - - p. 66

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 12th January 1816 - - - p. 66

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 23d February 1816 - - - p. 67

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 28th January 1831 - - - p. 68

- (8.)—Attempt of the Chinese to establish a Cohong :

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 22d February 1814 - - - p. 68

Extract Letter from the Select Committee at Canton to the Secret Committee of the Court of Directors; dated 22d February 1814 - - - p. 68

Extract Letter in the Secret Department, from the President of the Select Committee at Canton to the Chairman of the Court of Directors; dated 23d February 1815 - - - p. 69

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 11th March 1815 - - - p. 71

Extract Letter in the Public Department, from the Select Committee of Supracargoes at Canton to the Court of Directors; dated 26th March 1817 - p. 72

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 19th March 1825 - - - p. 72

Extract Letter in the Separate Department, from the Select Committee at Canton to the Court of Directors; dated 28th January 1830 - - - p. 73

 REDRESS OF GRIEVANCES—*continued*.

(9.)—Embassy under Lord Amherst ;

Extract Letters in the Secret Department, from the Select Committee at Macao to the Secret Committee of the Court of Directors ; dated respectively,

6th June 1816 - - - - - p. 74

7th July 1816 - - - - - p. 75

(10.)—Combinations of the Tea Merchants in China :

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 10th December 1819 - - - p. 76

Extract Letter in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors ; dated 10th January 1820, p. 77

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated respectively,

11th January 1820 - - - - - p. 79

29th January 1820 - - - - - ib.

(11.)—Frauds, &c. respecting Contract Teas :

Extract Letter in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors ; dated 9th February 1828, p. 80

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated respectively,

15th March 1828 - - - - - p. 80

18th November 1828 - - - - - p. 81

(12.)—Charges on the Foreign Trade :

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 30th November 1818 - - - p. 81

(13.)—Discussions with the Government of Canton, Season 1814–15 :

Letter in the Secret Department, from the Select Committee of Supracargoes at Canton to the Secret Committee of the Court of Directors ; dated 1st October 1814 - - - - - p. 82

Extract Letter in the Public Department, from the Select Committee of Supracargoes at Canton to the Court of Directors ; dated 4th December 1814, p. 84

Letter from the Select Committee at Canton to the Secret Committee of the Court of Directors ; dated 4th December 1814 - - - - - p. 84

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated 24th December 1814 - - - p. 86

Extract Letters in the Secret Department, from the Select Committee of Supracargoes at Canton to the Secret Committee of the Court of Directors ; dated respectively,

16th January 1815 - - - - - p. 89

6th February 1815 - - - - - ib.

(14.)—Respecting the Company's Ship General Hewitt :

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated 4th November 1816 - - - p. 91

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 8th November 1816 - - - p. 91

Extract Letter in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors ; dated 4th December 1816

p. 94

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 19th December 1816 - - - p. 96

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated 19th December 1816 - - - p. 96

(15.)—Respecting His Majesty's Ship Alceste :

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 8th November 1816 - - - p. 97

Letter from Sir Theophilus T. Metcalfe, Bart., President of the Select Committee of Supracargoes at Canton, to Thomas Reid, Esq., Chairman of the Court of Directors ; dated Canton, 16th November 1816 - - - p. 97

Extract Letter in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors ; dated 4th December 1816, p. 99

REDRESS OF GRIEVANCES—*continued.*

(16.)—Discussions with the Government of Canton, Season 1817–18:

Extract Letter in the Public Department, from the Select Committee of Supracargoes at Canton to the Court of Directors; dated 8th December 1817, p. 100

(17.)—Discussions with the Government of Canton, Season 1820–21:—Chinese killed by an Officer of the Company's Ship London:

Letter from the Select Committee at Canton to the Secret Committee of the Court of Directors; dated 7th December 1820 - - - - p. 101

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 29th December 1820 - - - p. 103

(18.)—Company's Trade stopped by the Canton Government, in consequence of some Chinese being killed by part of the Crew of His Majesty's Ship Topaze:

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

2d January 1822 - - - - - p. 104

5th January 1822 - - - - - p. 105

16th January 1822 - - - - - ib.

30th January 1822 - - - - - p. 106

7th February 1822 - - - - - p. 109

23d February 1822 - - - - - p. 110

10th April 1822 - - - - - p. 111

18th April 1822 - - - - - ib.

Letter in the Public Department, from Secretary W. H. C. Plowden to Joseph Dart, Esq. Secretary, &c. East India House; dated 7th May 1822 - p. 112

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

30th May 1822 - - - - - p. 112

15th July 1822 - - - - - p. 113

27th March 1823 - - - - - ib.

Letter in the Public Department, from Secretary J. N. Daniell to Joseph Dart, Esq. Secretary, East India House - - - - p. 114

Extract Letter to the Secret Commercial Committee of the Court of Directors from the Select Committee at Canton; dated 20th November 1823 - p. 114

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 16th November 1826 - - - p. 115

Extract Letter in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors; dated 5th March 1827 - p. 116

(19.)—Respecting an attempt of some Chinese to extort Money:

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

12th January 1823 - - - - - p. 116

31st January 1823 - - - - - p. 117

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 19th March 1825 - - - p. 117

(20.)—Respecting the Conduct of the Chinese Custom-house People at Macao:

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 16th November 1827 - - - p. 118

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 18th November 1828 - - - p. 118

Extract Letter in the Separate Department, from the Select Committee at Canton to the Court of Directors; dated 28th December 1830 - - - p. 119

(21.)—Respecting the Right of the Supracargoes to address the Officers of the Canton Government:

Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors; dated 17th November 1825 - - - p. 119

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 16th November 1827 - - - p. 120

(22.)—Respecting the Use of, and Charges for, Boats between Canton and Macao:

Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors; dated respectively,

17th November 1825 - - - - - p. 120

10th March 1826 - - - - - ib.

Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors; dated 16th November 1827 - - - p. 120

REDRESS OF GRIEVANCES—*continued.*

- (23.)—Respecting an Attack on Captain Walker in Canton :
 Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 8th December 1826 - - - - p. 121
- (24.)—Respecting the Hoppo charging the Supracargoes with Contraband Practices :
 Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 10th October 1827 - - - - p. 121
- (25.)—Respecting the accidental Death of a Chinese on board a Country Ship :
 Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated respectively,
 30th November 1827 - - - - - p. 122
 3d December 1827 - - - - - p. 123
 12th December 1827 - - - - - ib.
- (26.)—Respecting the Infringement of certain Privileges :
 Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 18th November 1828 - - - - p. 123
 Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated 18th November 1828 - - - - p. 125
- (27.)—Respecting the State of the Foreign Trade with Canton, and the Establishment of additional Hong Merchants :
 Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated 28th January 1830 - - - - p. 125
 Extract Letter (Secret and Confidential), from the Select Committee at Canton to the Chairman of the Court of Directors ; dated 31st January 1830 - p. 128
 Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 10th February 1830 - - - - p. 129
 Extract Letters in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated respectively,
 23d February 1830 - - - - - p. 129
 2d March 1830 - - - - - p. 131
 30th March 1830 - - - - - p. 133
 Extract Letters in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated respectively,
 18th September 1830 - - - - - p. 133
 28th January 1831 - - - - - p. 134
 11th February 1831 - - - - - ib.
- (28.) Respecting the Trade in Opium :
 Extract Letters in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors ; dated respectively,
 21st November 1821 - - - - - p. 134
 11th March 1822 - - - - - p. 135
 19th March 1822 - - - - - p. 136
 Extract Letter in the Public Department, from the Select Committee at Canton to the Court of Directors ; dated 27th July 1823 - - - - p. 137
 Extract Letter in the Secret Department, from the Select Committee at Canton to the Court of Directors ; dated 6th February 1824 - - - - p. 137

A P P E N D I X

TO

Report on the Affairs of the East India Company.

II.

China Papers.

(A.)—PAPERS RELATING TO THE ALLEGED BREACH OF THE LAWS OF CHINA.

EXTRACT CHINA CONSULTATIONS, the 12th October 1830.

WE have this day received, through the Merchants, the three following Proclamations from the Viceroy, the Kwanchowfoo, and the Nan-hae-Heen.

Governor Le, by Hoo the Kwanchowfoo, concerning foreign ladies coming to Canton, dated October 11th, 1830:

Hoo the Kwanchowfoo hereby issues an Edict to command an inquiry, and require an answer.

ON the 24th of the 8th moon of the 10th year of Taoukwang, respectfully, was received a letter from the Governor, on opening which the following statement appeared:

Foreign ships coming to Canton to trade, and having foreign * women on board, it is only allowed, that before the merchant ships enter the port, they should take the foreign women and send them to lodge at Macao; they are not permitted to enter the port. This is a prohibition extremely strict. It is impossible to allow it to be viewed with contempt and opposed.

Now I, the Governor, on inquiry, having heard that at Canton there is a Foreign Merchant who has from Macao brought his foreign woman (or wife) to Canton, who dwells with him in the foreign Factory. This is manifestly done by the intentional connivance and protection of the Hong Merchants and Linguists. If it be not strictly inquired into, interdicted, and an expulsion take place, hereafter there will be a confused bustle and worse imitation, which will be a great and wicked innovation on the laws and regulations of the Celestial Empire.

It is necessary to proceed to an extraordinary degree of correction in managing the affair.

Therefore an Order is framed, addressed to the Foo Yuen, requiring him to assemble immediately with the Nan-hie-Heen, and, taking the lead, to summon together

II.
China Papers.
Residence of
Females;
and
Sedan Chairs.

* The term is not directly offensive, but not complimentary or civil, like lady or wife. The simple word wife (Tse) is not used, but Foo, which applies to grown servant women, or any woman of advanced years, whether wife or not.

II.

China Papers.

Alleged Breach of
Chinese Laws.

together the Hong Merchants and Linguists before their bar, to inquire distinctly who really the Foreign Merchant was who brought the woman? In what Factory at present the said woman dwells? Why the Hong Merchants and Linguists protected, connived, and did not report? Whether the custom-house officers and patrol knew of the occurrence? Let one and all of these questions be inquired into, and answers returned, that I may investigate the facts. At the same time is made the duty of all the Hong Merchants to command the said nation's Chief to take immediately the said foreign woman, and hasten instantly to drive her away back again to Macao. If again there be presumption enough to connive and delay, the said Hong Merchants and Linguists shall positively be all degraded from their rank, prosecuted, and severely punished. Not the least clemency will be shown. Hasten! hasten! &c.

Receiving this, beside ordering the Nan-hae to inquire and act, I hereby issue an order to the Hong Merchants to examine immediately—[Here follows an echo of the above.]

Taoukwang, 10th year, 8th moon, 25th day.

Hong Merchants' Letter accompanying Governor Le's Order about Foreign Ladies.

A respectful notification. On the 25th day of the 8th moon (October 11th, 1830,) we received a document from the Kwanchow Foo, communicating the Governor's Edict. We now copy it, and send it to you to look at. We pray you, gentlemen, to examine and act accordingly. We also pray you early to send back the foreign woman to Macao, and thus enable us to state back to Government. If she does not go down to Macao, we must incur the Governor's anger and reproof. At this time (the time when the Governor is angry), ask, gentlemen, your hearts if they also would not feel uneasy.

For this purpose we write, and are with compliments,

Yours, &c. &c.

Signed by *Howqua*, junior, and 11 other Merchants.

The cypher or signature is not added by the 12th merchant.

THE Governor Le by Hoo, the Kwanchow Foo, to the Hong Merchants, prohibiting foreigners going about in Sedan Chairs, dated October 11th, 1830.

Hoo, the Kwanchow Foo, issues an order for the purpose of commanding an inquiry and demanding an answer.

In the 10th year of Taoukwang, the 8th moon and the 24th day (10th October,) I received from the Governor an official letter, on opening which it was as follows: "It appears that the Foreigners of the various nations coming to Canton to trade have hitherto not been permitted, on the territory of the capital of the province of the Celestial Empire, to go about seated in sedan chairs. Now it is substantiated, that the attendants of the principal office of police have stated verbally to me, on the 21st of the present moon, (7th instant), that they had seen a Company's foreign writer, Asha (Astell), who has come to Canton from Macao, publicly entering his Factory seated in a chair. This really is opposing the dignity of the Regulations.

"The Hong Merchants and Linguists dwell very near to the said foreigners: how then is it that they have not in the least been aware of this, examined into it, and put a stop to it? This is a complete disregard of the laws.

"Uniting these circumstances, I immediately write an official letter giving orders, and send the letter to the Kwanchow Foo, that he may immediately take under his direction the Nan-hae-Heen, summon the Hong Merchants and Linguists before his bar, and examine clearly why the said foreigner, who has come from Macao to Canton, enters the Factory seated in a chair? Whether the said Hong Merchants knew of the circumstance, and purposely connived at it or not? Or whether there are among the Hong Merchants some worthless vagabonds who have brooked to flatter, thereby leading to the foreigner's presuming to perform this act of non-conformity to old usage. Beside this, whether or not there have been any other foreigners going out, and seated in chairs? One by one inquire and investigate these things clearly and truly, and according to the laws report back again, that I may investigate to the bottom.

Furthermore,

“ Furthermore, with severity and earnestness, make responsible and command the said Hong Merchants and Linguists to enjoin the order on the said nation’s Chief, that hereafter the said foreigners, going from their Factories to their boats, and from their boats to their Factories, must all, as of old, walk on foot ; they must not overstep their proper station or rank, and go about in chairs. If they presume purposely to oppose, immediately shall the said Hong Merchants and Linguists be degraded and examined, without any clemency being extended to them. Hasten ! hasten !! ”

On the receipt of this, besides causing the Nan-hae-Heen to examine and report back to me, I also, uniting the above circumstances, issue an order to examine into the subject. When the order reaches the said merchants, let them immediately examine clearly why the said foreigner, who has come from Macao to Canton, enters the Factory seated in a chair ? Whether the said merchants knew of the circumstance, and purposely connived at it or not ; or whether there are some worthless vagabonds who have brooked to flatter, thereby leading to the foreigner’s presuming to this act of non-conformity to old usage ? Besides this, whether or not there have heretofore been any other foreigners going out and in seated in chairs ? Examine into these things clearly one by one ; then taking with you the Linguists first, go to the Nan-hae-Heen with a prepared statement, and wait till he has managed the business to the utmost. Also present a prepared statement to me, that I may investigate to the bottom. Furthermore, with severity and earnestness enjoin the order on the said nation’s Chief, that hereafter the said foreigners, in going from their Factories to their boats, and from their boats to their Factories, must, as of old, walk on foot ; they must not overstep their proper station or rank, and go about in chairs. If they presume purposely to oppose, immediately shall the said Hong Merchants and Linguists be degraded and examined, without any clemency being extended to them. Hasten, hasten ! These are the orders.

Taoukwang, 10th year, 8th month, 25th day, (October 11th, 1830.)

We refrain at the present moment from any comment on the spirit and tenor of these documents, and merely remark, that in consequence of the Edict respecting foreigners sitting in sedan chairs, which appears to be published with no other object than that of wantonly irritating their minds, we came to the resolution of manifesting, in some degree to the Chinese public, that the insult had not passed unnoticed. We consequently directed the following placard, written in Chinese characters, to be forthwith hung up at the gate of each of our Factories, and gave strict orders to see it carried into effect.

To all whom it may concern,

IN consequence of a certain occurrence, the Select Committee who direct the affairs of an English Company, have in Council

Resolved, That hereafter every class of persons sitting in sedan chairs shall be disallowed to enter the gate of the Company’s Factory. The porter is ordered to intercept all chairs, and prevent their entering. If any person refuses to listen to him, both the chair and the individual will assuredly be expelled by force. Every one will do well not to try the experiment with his person.

Taoukwang, 10th year, 8th moon, 27th day.

EXTRACT CHINA CONSULTATIONS, dated 16th October 1830.

WE have this day received through the Merchants a chop from the Hoppo, which is a counterpart of the Viceroy’s received on the 12th, with the exception of the following concluding remarks made by the Hoppo :

Hoppo Chung’s Remarks in communicating the Governor’s orders, received
October 16th 1830.

“ This coming before me the Hoppo, I, on the receipt of it, examined and find, that, for foreign merchants to bring with them married or unmarried women to

II.

China Papers.

Residence of
Females ;
and
Sedan Chairs.

II.

China Papers.

Alleged Breach of
Chinese Laws.

Canton to dwell, has already, in the 16th year of Keen-lung (1751), been interdicted by the then Governor Chin, in his official reply, which is on record.

"Afterwards, because that for foreign ships sailing back, it is difficult to approach Macao to receive families (on board), it was requested to go by the inside river to Whampoa to embark, and again that was rejected and disallowed by the then Governor Le. Since for foreign women to be brought even to Whampoa is contrary to the laws, how can there be such a principle as that of presuming to lodge themselves at (Canton) the capital city of a (province.)"

Dated October 13th, 1830, 10th year, 8th moon, 27th day.

EXTRACT CHINA CONSULTATIONS, 19th October 1830.

A PARTY of about 80, consisting of commanders, officers and gentlemen of the Factory, this day proceeded to the city gates in charge of the following Address, of which four copies were made, directed to the Viceroy, Hoppo, Foo Yuen, and Iseang Keun, a Tartar general. A party equally numerous, composed of British merchants, and commanders and officers of country ships, had preceded them by about a quarter of an hour with petitions to the Viceroy and Hoppo on the same subject.

Upon waiting about half an hour at the city gates, the Kwankeep appeared and received the several letters, which he promised should be forthwith delivered, according to their respective addresses. The two parties then joined together and returned to the Factory.

Translation of a Chinese Draft of a Memorial to the Governor.

The President and Select Committee, Messrs. Baynes, &c. to his Excellency the Governor, &c., for the purpose of clearing up certain Affairs which concern them.

A respectful Address:—The English who come to Canton for commercial purposes invariably look up with respect and reverence to the Sovereign* of the great Ising dynasty. But among the hundreds of officers of Government appointed, it is unavoidable that there should be an inequality, some good and some bad. Some who, by a thorough understanding of the human feelings, by extending what they themselves like to others, and by a benevolent government, win people's hearts †. On the other hand there are some who, being undiscerning by an irregular use of authority and power, and who from selfish motives rule in a tyrannical and vexatious manner, lose people's hearts.

Is it not one High Heaven that has torn all the nations of mankind? Are they not reciprocally of the same species? It was the same Heaven that gave existence to Manchows and Chinese which gave existence to Englishmen; and with High Heaven there is not a partial heart. China is by Heaven conferred upon the east, and England, by the same Heaven, is conferred on the people of the west. All nations belong to High Heaven; they should not boast against each other ‡.

Since Canton is opened as a mart for foreign trade, it is incumbent to receive men from remote parts with civility; they should not be insulted and treated ignominiously.

But on the 4th of the 8th moon of the current year, there was an official proclamation publicly exhibited, containing many unfounded and disgraceful assertions concerning foreigners. As for example: "It is directed that the Hong Merchants and Linguists shall continually teach the foreigners, repress their pride and profligacy, and insist on their turning with all their hearts towards civilization, &c.§" Now, excepting two or three of the Hong Merchants, they are all without any learning or knowledge, and the custom-house interpreters are a still more ignorant set. The local

* May he live ten thousand years is implied in the name Wan-Luy-Yay, given him in the original.

† These are Chinese ideas and phrases; below, also, there is a good deal of the same.

‡ This paragraph is intended to undermine the exclusive pretensions of the Celestial Empire, and the Chinese Edicts always pretend to treat with tender kindness.

§ Or conversion, renovation.

local Mandarines calling on them to erect themselves into masters to instruct and teach civilization to foreigners, is indeed very laughable. But as the said Proclamation* says, they must insist on civilizing, &c., it may be seen that the great officers of Government wish to cause the native people to look upon foreigners as all belonging to barbarous nations. This is truly treating with tenderness strangers in the land.

The said Edict further speaks of foreigners using boys, boat, prostitutes, and language deserving of the utmost indignation; for the English consider the crime alluded to deserving of death, and the public intensely hate such unnatural wickedness. How can the great officers of Government, without any the least proof, publish groundless reports, which they have sought for to bring ignominy and disgrace on all foreigners! How is this exemplifying the principle of treating tenderly strangers in the land!

Another official Edict has also been issued concerning foreigners sitting in shoulder-carriages, saying "that foreigners going from the boats to their Factories, and from their Factories to their boats, must walk on foot, and not overstep their rank by 'ascending chairs,' " &c.

But the local officers continually issue Edicts, saying that they view natives and foreigners with the same benevolence. Now from the foreign Factories to the merchants' Hongs is a distance of one, two, or three le; if the weather be very hot, or if it rain, or if the individual be wearied and faint, to order the foreigner to walk on foot while the native commonalty sit in chairs whenever they please: how is this viewing natives and foreigners with the same benevolence!

But further, this Edict says, "Foreigners must not overstep their rank," &c. But we know not how the great Mandarines look upon the persons appointed by the English to transact the commerce, of what rank they are. It is, therefore, incumbent on us to tell that our Supracargoes and Writers are all the sons and younger brothers of country gentlemen, of civil and military officers, &c. A certain custom-house domestic gave verbal information against a person he called Yashu (Astell); that Astell is the son of one who has often been at the head of the Company's Court, and who has many years been a Member of the Great Council of the British nation. How talk of his overstepping his rank by sitting in a chair.

The native salt merchants, Hong Merchants, custom-house waiters and interpreters, are all seen in chairs when they please. How can it be said that foreigners must walk on foot! Is this viewing natives and foreigners with the same benevolence!

There is also a very rude Edict, using the expression, "foreign women." Now, according to the laws of England, every man can marry but one wife. The custom of concubinage does not exist, therefore the persons the Edict calls foreign women are the wives of foreign merchants. The Company's servants in management of commercial affairs are required to be in Canton six or more months every year; now how does it accord with reason and the feelings of human nature, to declare that the wife shall not accompany her husband, and quietly reside in the Factory with him! Is this doing to others as we would be done† to? The native officers are allowed to have their families in the public offices. Why should the foreign merchant not be allowed to have temporarily his family in his Factory?

To sum up the whole, if the great officers wish to rule foreigners with justice and benevolence, affairs may go on with tranquillity; but if they wish to insult, tyrannize over, and govern foreign merchants vexatiously, we really do not know where the business will end. The most patient natures may be driven to extremes. What necessity in the midst of a vacuum, and on level ground, to create a commotion and provoke a revolution.

We write on special purpose, and with great respect lay this before your Excellency, &c.

Taoukwang, 10th year, 9th moon.

The preceding address is the composition of Dr. Morrison, and the Honourable Court cannot fail to perceive that it is written with a most anxious desire to conciliate

II.
China Papers.
Residence of
Females;
and
Sedan Chairs.

* The proclamation was issued by the Governor and Hoppo jointly.

† Chinese phrase.

II.
China Papers.
—
Alleged Breach of
Chinese Laws.

ciliate the Chinese authorities, at the same time, under a full sense of the indignities which have lately been offered to us ; it is, in fact, an appeal to the good feelings of the high authorities to whom it is addressed, and we sincerely hope that it may produce the desired result.

EXTRACT CHINA CONSULTATIONS, 20th October 1830.

Howqua then proceeded to communicate the Viceroy's orders respecting the lady now in Canton in the following terms :

“ As to women coming to Canton, the old law forbids it. It never can be permitted. The Chief is desired to send away the lady forthwith. If she cannot move immediately, the merchants are to ascertain in how many days she will go. If the Chief says he will not remove the foreign lady in two or three days, if she still be here soldiers will be sent to the Factory to seize and drive her out. The Chief is to tell the merchants what day she goes.”

Howqua next produced two sealed letters addressed by us to the Foo Yuen and Iseang Keun, which had yesterday been presented at the city gates.

The one to the Foo Yuen was given back to the Kwang Chow Foo, to be returned to the merchants, and by them delivered to the Committee. Howqua explained that the Foo Yuen stated he could not receive any document concerning foreign affairs unless through the Viceroy. These affairs are in the Viceroy's department. His Excellency will receive the chop and answer it. The Foo Yuen further sent the following message through Howqua :

“ For more than 100 years the English have traded quietly to the port of Canton. The Emperor has always taken care of the English ; the Viceroy also has always been desirous to be friendly towards the English. Whatever the Viceroy ordains regarding foreigners is of equal force with the Emperor's law. The Viceroy cannot disregard the fixed laws. If you foreigners disobey the Viceroy's orders you disobey the Emperor's laws. If you come here you must respect the laws.”

The Iseang Keun returned the letter, with a short message, merely stating that it was not his affair.

Howqua having further stated that the Anchorage is ordered by the Viceroy to order merchants to bring the Committee's answer respecting the three Parsees and the lady to-day, the merchants were requested to retire into another room while the Committee deliberated on what reply to be returned to their message.

Passing over the first part of Howqua's communication from the Viceroy respecting the three Parsees, with the mere remark that it is singular that a demand so apparently reasonable should not have been made until it was well known that it could not possibly be complied with, the men having left the country, we proceed to take into our serious consideration the latter part, which is of a much more important nature, namely, where the Viceroy arrogates to himself the power to send armed soldiers into our Factory, and there seize on the person of a British subject.

The admission of such a power would render us liable at every hour and on every occasion to the intrusion of an armed force, it would not only violate the security of the valuable property entrusted to our charge and subject our persons to insult, but it would be a virtual abandonment of the only protecting privilege we possess in China, and one which has ever been considered of the most vital importance. We therefore felt that any measure resembling concession on such a point would be highly injurious to the interests and honour of the British nation, of which we are in this country the representatives. Indeed the mode which the Viceroy has adopted of communicating to us on a subject so important by a verbal message, instead of writing, appears to indicate that he is himself conscious that he is overstepping his authority, and is desirous to try the effect of intimidation before he commits himself in a more formal manner. If this threat were obeyed, or indeed received in silence, in the course of a few days on any other occasion, we might expect to see it put into execution ; while on the

and decisive measures are adopted to resist the mode in which it was conveyed, gives the Viceroy an opportunity of retracting.

We therefore came to the determination, with reference to the abstract question of personal security, to resist this menace of violating the precincts of our Factory, hitherto held sacred, to the utmost extremity, and immediately proceeded to take the necessary measures for repelling the attempt, if made.

II.

China Papers.

Note.—The measures referred to respecting an armed force for the protection of the Factory are detailed in another Return to the Honourable House.

EXTRACT CHINA CONSULTATIONS, 21st October 1830.

Consultation in full Committee.

THE Merchants having requested an interview with the Committee, we assembled to meet them, when Howqua proceeded to state, that he and Mowqua had had an interview with the Viceroy, in which he entirely disclaimed any intention to act on his threat conveyed yesterday, and that he considered the circumstance of ladies residing in Canton as a thing by no means of sufficient importance to employ force to drive them away.

The Merchants then endeavoured to persuade us, that it was merely an ebullition of angry feeling on the part of the Viceroy, and offered their own security, as a body, that no act of violence should ever be used to molest any person residing in our Factories.

We informed them that, in an affair of so much importance, we did not consider any security they could offer as at all satisfactory, and that the guard would not be removed from our Factory until we received some document from the Viceroy, which would warrant us to consider our persons and property secure from the intrusion of an armed force, while within the precincts of our own Factory.

EXTRACT CHINA CONSULTATIONS, 23d October 1830.

WE have received, through the Merchants, the following Edicts from the Viceroy and Hoppo, in reply to our remonstrance of the 19th instant.

Governor Le, in answer to the Committee's remonstrance of the 18th instant, dated Oct. 21st, received 23d, 1830.

The Private Agents' remonstrance is joined with the Committee's in reply.

LE, Member of the Military Board, Governor of Canton, &c. to the Hong Merchants, requiring them to inform themselves fully of the contents.

It is now authenticated, that the English nation's Chief, Baynes, and others, presented a Statement, saying :—[Here follows a copy of the letter of the 18th.]

Further, it is authenticated, that the English private merchants, Innes and others, presented a Statement to the same effect. They both have come before me, the Governor. Concerning these authenticated topics, on examination it is found, that foreigners (E jin) bringing with them foreign women (fanfoo) to Canton province, they (the women) were merely allowed to remain on board ship. Afterwards it was granted that they should land at Macao. This was an extraordinary manifestation of the graciousness of our sage and benevolent dynasty. It cannot by any means be allowed to bring them (foreign women) to Canton. All the various nations of foreigners have for a long period obediently submitted to this.

As in the 16th year of Kèen Lung (A. D. 1751–2), the Dutch Foreign Merchant, Laon-lèen, in a boat, brought to Canton a foreign woman, and resided in the Suy-fung Hong. At that time the foreign woman was in custody sent to Macao, and there was issued a severe interdict.

In the 34th year of Kèen Lung (A. D. 1769), an English foreign merchant, Fee Shun, clandestinely brought a foreign slave woman to reside in E-Wo Factory. Then the said foreign slave woman was sent in custody to Macao, and the Hong Merchants, Linguists, Compradores and government messengers were severally chastised and degraded, as is on record. Afterwards, whenever foreign women were brought clandestinely to Canton, they were always sent back under custody

II.

China Papers.

Alleged Breach of
Chinese Laws.

to Macao. Of late, for ten or more years, the foreign merchants have all obediently submitted, and there has been no such thing as bringing foreign women or girls to Canton, by which it may be seen that the said foreigners were by no means ignorant of the law.

Now the said Chief Baynes, how can he intentionally oppose the prohibitions and orders, and bring with him a foreign woman to Canton city, to dwell with him in the foreign Factory! And after having given orders to him, he still again stupidly introduces the case of those in courts taking with them their Mandarin families, &c. A lying specious argument. Does he not know that the native Mandarins must be resident in their courts before they are allowed to have their families with them? If they be deputed on public business, whether for a larger or shorter time, they are not allowed to take their families with them. The law is fixed and manifest. Now the said nation's Chief has received the commands of his King to come to Canton provincial city to trade, which is not different from receiving an Imperial Commission to go on a certain errand. Then even if he does fallaciously compare his case with native Mandarins, he ought not (according to his own showing) to bring his family with him. Still if her (or rather she) remove early to Macao, he will avoid a very, a very severe scrutiny. As to sitting in sedan chairs, originally it is a small business. But foreigners, being in the provincial city, have not heretofore been allowed to ascend chairs. In going out and in from their Factories to their boats, or from their boats to their Factories, if it rained, or if they were sick and found it impossible to walk, still it was only proper for them to lean on some support and proceed. They were not allowed to drag in topics and dun with petitions.

Again, heretofore, in consequence of various foreign nations coming to Canton province to trade, whose languages were unintelligible, and they incapable of understanding the proprieties, laws, prohibitions and orders of the Celestial Empire, it was difficult (or impossible) for them to avoid pride and profligacy. Further being apprehensive that the Security Merchants, &c. might be unjust in their dealings; or that traitorous natives might seduce to a violation of the laws, &c. therefore, even since the reign of K'een Lung, every year when the foreign ships in succession came into the port, proclamations containing severe interdicts were published once, really with the intention of looking down and compassionating the foreigners, to prevent their being entangled in the net of the law. This was the design. But the said foreigners in their petition, turn it into a disgraceful insult to them, which really shows their ignorance of the substantialities of the business.

To sum up all: The interdicts and orders are of old standing, and have not by any means been commenced to day. The said foreigners have only, as they ought, to conform obediently to the old regulations. Then, no doubt, there will be mutual tranquillity without disturbance. If in respect to former interdicts, there be an intentional opposition and disturbance created, it is all brought upon themselves by the said foreigners. It is by no means the case, that the Celestial Empire has not bestowed a gracious compassion. Try and ask: Have these said foreigners passed over an immense ocean, several times ten thousand le (miles), for the purposes of commerce, or to create disturbance? With an impartial mind silently consider, and you will be vehemently aroused (or awakened to a sense of your condition).

Uniting the above circumstances, an order is hereby issued to the Hong Merchants to enjoin forthwith perspicuously these orders on the said foreigners for their obedience, that they may take the foreign woman now living in the Factory, and immediately order her to be returned to Macao.

Moreover, order that hereafter, whether moving or at rest, there must be in all cases an implicit obedience to the laws and regulations of the Celestial Empire. The foreign women coming in ships are only allowed to reside temporarily at Macao. It is not allowed that they should be brought to Canton. Further, it cannot be that in the provincial city (foreigners) may ascend and sit in Chinese shoulder-carriages. If there be presumptuous intentional disobedience, all the offenders will be involved in a severe scrutiny. Hasten, hasten! These are the orders.

Taou Kwang, 10th year, 9th month, 5th day.

Hoppo Chung in reply to the Committee's remonstrance of the 18th instant, and the remonstrance of private British merchants of the same date. Issued October 22d; received 23d, 1830.

CHUNG, Imperial Commissioner of Duties at the port of Canton, &c. &c. to the Hong Merchants, requiring them to make themselves fully acquainted with the contents thereof.

It is authenticated, that the English nation's Chief, Baynes and others, have presented a foreign petition written in the Chinese character, saying—[Here follows a copy of the document of the 18th.]

And it is authenticated that the said nation's Private Merchants, Innes and others, presented a foreign petition with a Chinese translation, saying—[Here follows a copy.]

In consequence of these, examination being made, it is found that the taking off the interdict against ingress from the Southern Sea, and permitting foreigners to a commercial intercourse, occurred at the commencement of the Dynasty, from which time to the present is a hundred and some scores of years, during which period, for the foreigners of various nations who came to reside at Canton, there has been no affair which has not had old regulations, and there has been no man who did not obey the fixed laws; for the language and the dress of natives and foreigners are entirely different; and the Celestial Empire's usages are all honourable and strict. How is it possible to suffer the want of a marked difference being made between those inside and those outside?

Since the said foreigners come to trade; it is only incumbent on them to obey implicitly the orders of Government. If they dislike the restrictions as difficult to be endured, it is perfectly competent to them not to take the trouble to come so great a distance.

All the great officers of government in Canton look up and realize (his Majesty's) desire to treat foreigners tenderly, and they continually stoop to manifest kindness to those who come; but in matters which regard prohibitions, how can they in the least indulge in remissness.

Now, according to what the said Chief Baynes, and others have stated, they say, that on the 4th of the 8th moon a Proclamation was put up, containing language intended to degrade and insult the said foreigners.

Heretofore it has been the rule, concerning foreign ships entering the port, for my office to examine the old records, and uniting with the Governor, issue proclamations to be pasted up against the foreign Factories. From the 57th year (A. D. 1792) of Keen Lung till now, it has been in successive years conformed to. The practice was by no means commenced this year. Heretofore the said nation's trading Foreign Merchants never heard that it was designed to treat with insult and disgrace them. The said Chief has resided in Canton many years, and has been constantly going out and into the foreign Factories? How did he remain ignorant of the Proclamations which were put up according to usage, and in past years never observe the disgrace and insult, but only this year open out his irregular crazy proceeding? There must be some native Chinese traitor in the concern, deceiving and fanning the flame.

The language of the said Chief and others is fallacious, and let you alone, you exclude yourselves from the life which nature gives; as, for example, what is said in the petition about overstepping station or rank, and ascending sedan chairs.

The said Foreign Merchants have resided in Canton city for many years past. In past days, when going from the Factories to the boats, and from the boats to the Factories, did they ascend chairs, or did they walk on foot? Were there no times of hot weather or of rain then? Did it never happen that mens' bodies were wearied then? If formerly the said foreigners had ascended chairs, and at this time they were interdicted and stopped, then perhaps there would be a semblance of a little tyranny. But if originally they walked on foot, and now suddenly ascend shoulder* carriages, is it not overstepping their station?

The important ground of the provincial city is exposed to the view of every eye, and inside native people may not be menially employed by outside foreigners (or barbarians

II.
China Papers.

Residence of
Females;
and
Sedan Chairs.

* This seems to refer to the low sedan chair, called the Peking Chair.

II.

China Papers.

Alleged Breach of
Chinese Laws.

barbarians). The said Chief and others say that the person Astell, who sat in a chair, is the son of a member of their National Legislature. When that Foreign Merchant lives in his own country, he is no doubt the son of an honourable officer; but when he comes with merchant ships to Canton, and is not proceeding to Court with tribute, here no doubt he must merely be viewed as a trading Foreign Merchant. Since the said Chief and others understand what is reasonable and just, how is it they will not apply their thoughts, and awaken to a sense of propriety*.

As to what the petition says about foreign women residing in the Factory. Heretofore when foreign women came to Canton province they were originally allowed to reside temporarily at Macao. If they were brought to Canton city, it was for a long time past an offence against the statutes of the local government. In the 16th and 34th years of Keen Lung (A. D. 1751 and 1769) there were cases in the Courts of foreign women and slave (or servant) women being brought up clandestinely to Canton; all of whom were by the then Governors sent back in custody to Macao. There are papers which may be examined.

The said Chief and others, in attending to the commercial affairs, have their fixed residence at Macao. Canton is only their temporary residence. Every day (or ordinarily), by requesting a permit, they can go up and down, and perfectly attend to their families. What necessity is there for persons with different dress and different language (from the natives) to excite a commotion in the Factories, and, by a possibility of one in 10,000, create a bloody quarrel, and make a disturbance which would turn the subject into matter of infinite after-regret. Let the said Chief and others consider intensely their own persons and families, for the safety of whom it is very incumbent on them to take precautions, (and not bring them into places of danger). To sum up the whole, the said Chief and others having passed over the ocean so great a distance to come and trade, our Sacred Dynasty, which benevolently nurtures 10,000 states, doubtless will not in the least degree view them in different ways. But the Hwa and the Ee, the flowery natives and the barbarian foreigners, must be distinctly divided; between those inside and those outside there must be erected a great boundary†. Heretofore there has been no precedent for entering the Factories in shoulder-carriages, therefore walking on foot is no harsh treatment. Heretofore it has not been the rule for foreign women to reside in Canton; therefore sending them to Macao is really the way to give entire security.

The said Chief and others must, as is proper, consider the subject deeply over and over again, and be careful not to let other people befool them, vainly spending their angry breath in restive conduct, which may turn to self cutting off the road of commerce.

Uniting these things, an order is hereby issued to the Hong Merchants to enjoin these commands on the said Chief and others, for their obedience thereto.

Oppose not. A special Edict.

Taou Kwang, 10th year, 9th m., 6th d. (A. D. October 22d, 1830.)

A Proclamation, containing ideas much the same as the above, is pasted up at the Hong Merchants' Hall. It is issued in the united names of the Governor and Hoppo, and Iseang Keun. Date, October 23d.

EXTRACT CHINA CONSULTATIONS, 25th October 1830.

WE have received from the Merchants the following Edict from the Iseung Keun, in reply to the remonstrance addressed to him on the 19th instant.

King, the Iseung Keun, in reply to the remonstrances of the Committee, and of the private British Merchants, of the 18th instant; dated 23d October, received 25th October 1830.

KING, the Iseung Keun (or Commandant) of Canton, hereby replies officially to the two petitions of the English Foreign Merchants, Baynes, Jardine and others.

On

* In the Governor's reply, the interdict was against ascending the shoulder-carriage, or sitting in a sedan chair; but if sick, and not able to walk, the foreigner might lean with his hands or arms upon the yu. What yu means in this connection it is not easy to say: it denotes "a mortar," held up by the hands, and may probably be the name of some mean bamboo hurdle. But he is not to ascend or sit, but hold on by this hurdle; which statement it is difficult to make sense of.

† A bank, or dike, to fend off.

On examination I find that all Foreign Merchants coming to Canton to trade ought to obey the usages and regulations of the Celestial Empire. This has long been a fixed rule; and all Foreign Merchants, with reverence and obedience, have also hitherto long yielded respectful submission. The great officers appointed on the borders have likewise, from time to time, explained clearly the prohibitions and commands, and issued proclamations and perspicuous edicts; and fearing that the various Foreign Merchants were not yet able to understand fully, they have also commanded the Hong Merchants clearly and minutely to enjoin their edicts, and to apply themselves to cause that all the foreigners should know the laws of the Celestial Empire; and that traitorous natives also should not dare, in the midst of these circumstances, to excite disturbances. This was to quiet the feelings of foreigners. These proclamations are really to show tenderness to foreigners, and to soothe and tranquillize them; but the said foreigners, ignorant how to be excited to gratitude, turn round, and because of the proclamations disallowing them to bring foreign women with them to Canton provincial city, and disallowing them to sit in sedan chairs, whining,—whining, present petitions. I, the Iseung Keung, have no connection whatever with the management of foreign affairs; but as it is authenticated that a petition has been presented to me on these various topics, I have examined, and find, that hitherto foreign women were only allowed to be in the Macao ships, and to reside temporarily at Macao*; they have never yet been permitted to be brought up by others to Canton provincial city.

As to the various Foreign Merchants trading, after ascending the shore from their ships, it is incumbent on them to keep themselves quiet, and wait in their Factories, staying till their merchandize is disposed of, and they have purchased and set in order new merchandize. Then it is incumbent on them immediately to get into their ships, return to Macao, and thence return to their country. Hitherto it has not been permitted to sit in sedan chairs. The fixed regulations being thus, how can (it be allowed) to dun with disputatious petitions.

Besides, the words contained in the petitions are very wild and fallacious; but, in consideration that they are foreigners, and that their language and notions of justice are different (from those of natives), I do not inflict severe chastisement; since it is authenticated that they have also petitioned the Governor, the Foo Yuen, and the Hoppo, they ought to wait till they have replied by proclamation for their commands to be obeyed.

Dated Taou Kwang, 10th year, 9th m. 7th d. (October 23d 1830.)

Several days having now elapsed since the threat of the Viceroy to send an armed force into our Factories was intimated to us, and although the Merchants have solemnly assured us that no such threat would ever be put into execution, yet no written document has been produced to satisfy our minds on so important a subject, we therefore determine to address the following letter to the Viceroy:

To his Excellency the Viceroy of Canton.

ON the 20th of this month the Hong Merchants came to us in a body, and stated that they had a message to deliver from your Excellency, which they were ordered to make known to us in the most formal manner, requesting that the words as they fell from their mouths might in their presence be committed to writing; this was done, and they have, in consequence, been placed upon our records. We were struck with the greatest surprize on their stating, that your Excellency had commanded them to inform us, that in two or three days an armed military force would be sent into our Factories to seize the person of a British subject. We had for a long succession of years felt satisfied, that while in our Factories, peaceably conducting our commercial transactions, our persons were secure; indeed, we have been confirmed in this feeling by the conduct of all former Viceroys. It is only under assurances of perfect security that trade can possibly be carried on; our lives and persons threatened in so formal and sudden a manner, what remained for

* There is a confusion in the original, arising probably from the people employed in the Iseung Kenn's office being but ill acquainted with the affairs of foreigners.

II.
China Papers.
Residence of
Females;
and
Sedan Chairs.

II.

China Papers.

Alleged Breach of
Chinese Laws.

for us but instantly to endeavour to protect ourselves. Self preservation is the first principle. The feelings of distrust and alarm that this message of your Excellency has created in our minds, and in that of all the foreign community, can only be allayed by a strong assurance from your Excellency, that the persons of all British subjects in our Factories are secure, and these buildings inviolate from the intrusion of an armed force.

Canton,
25 October 1830. }

Signed by the President.

EXTRACT CHINA CONSULTATIONS, dated the 28th October 1830.

THIS afternoon the Senior Merchants waited on the President, and delivered to him the following Edict from the Viceroy, at the same time renewing, in the strongest terms, their assurances, that no molestation would be ever offered to any persons resident in our Factories.

Reply of Governor Le to Committee's note of October 25th, dated 27th, received evening of 28th, 1830.

LE, Member of the Military Board, Governor of Canton, &c. to the Hong Merchants.

It is authenticated, that the English nation's Chief, Baynes, and others, have presented a statement, saying—[Here follows a copy of the Committee's note of the 25th instant.]

This being authenticated, coming before me the Governor, I have examined, and find that in consequence of an Indian Foreign Merchant in a foreign Factory, beating to death a Dutch captain, and it being right according to law that the affair should revert to the local officers to examine into it, report to their superiors, and manage, the said Chief and others delayed to deliver up the murderers. Further, there was an opposition to regulations, in bringing up a foreign woman and girl to reside in the Canton Factories.

The said Chief and others sent statements, with a coloured explanation, therefore I ordered the Hong Merchants to command, solemnly, the said Chief and others to obey implicitly, and adhere to old regulations. That they must not intentionally disobey and bring upon themselves the guilt of perverseness.

The language used about sending troops to drive out and expel (*), was under an apprehension, that the said Foreign Merchants would be pertinaciously stupid and not awaken, and from first to last would oppose, so as eventually to make it necessary to act thus. Therefore, was pointed out clearly the ultimate calamity, to cause them to know that which would arouse and awaken them. If indeed they themselves become penitent and reform (or alter their conduct) what necessity is there for them to be afraid of the majesty of the military?

The Celestial Empire benevolently nourishes, righteously rectifies and gloriously magnifies a vast forbearance. How is it possible, that for dribblets of men in a petty, petty, barbarian † Factory, troops should be moved to exterminate!!! But the said Chief and others could not explain this intention (in the Hong Merchant's threat), they stupidly listened to the teaching of traitorous persons, and forthwith presumed, in opposition to inhibitions, to order guns and arms to be brought up, and arrange them at the door of their Factory. This is still more wild and erroneous; only try to think, if indeed the said foreigners had among them an illegality of a very important nature, I, the Governor, would instantly fly to report to the Emperor, and the Government troops would gather together like clouds, exterminate them, and leave a perfect vacuum. How could their guns and arms they have brought presume to oppose such a force.

As

* 214 出 逐 逐 逐

Pae Ping, *Keu chuh*. The *Keu chuh* is a very harsh phrase, used in the first document; it means, driving cattle out of a field, and pigs out of a yard. The next

word used in reference to the foreign woman was

押

yu, to send under custody of the police.

The word used below is

赴

foo, which denotes going in a respectful manner.

† It is impossible by the word *foreign* (le) to give the spirit of this sentence.

As to what the statement sent says, that they have prepared to defend themselves, is also very foolish ; again they say, that heretofore, for a long time, they have had confidence in the management of business, &c. If for a long time they have had confidence, then they ought not, in what has long been disallowed, to disobey and act irregularly.

This year the said nation's foreigner, Wei Lin Luce Chay, and others, were shipwrecked on the coast of Fokein, I reported to the Emperor concerning them, gave them food to eat, and delivered them over to the said Chief to send them home. How can it be supposed that Foreign Merchants at Canton tranquilly trading will not be protected.

I, the Governor, in transacting public affairs have never once failed to keep faith with the people. After this explicit order, it is necessary immediately and hastily take the guns and arms, and send them back to the foreign ships. The woman and girl brought must be instantly sent to Macao, then what is gone by may be passed over without a deep injury.

Do not uselessly be in doubt and fear, and still go on with pride and fright, like a vicious horse ; moreover, it is incumbent on you to lead and induce all the foreigners hereafter, for ever to obey the laws and regulations, that none may presume to disobey. If you remain still perversely obstinate and unwilling, assuredly a report will be presented to the Emperor, and an order received to cut off the commerce. It will also be impossible for me, the Governor, to stoop to protect. Let the said Chief be careful that he does not, by his individual mad opposition, involve all foreigners ; the crime will really have one to revert to.

Uniting these things, I order the Hong Merchants to enjoin immediately my orders on the said Chief, to obey and hasten to take the guns and arms at the Company's Factory, and the same day remove them to Whampoa, and to make haste and send back to Macao, the woman and girl that he brought, to abide in his station tranquilly trading, and by no means stupidly listen to deceiving reports, irregularly exciting terror and fear, with wilful opposition to prohibitions and orders, for so doing he will hereafter repent without effect. Hasten ! hasten ! These are the orders.

Taou Kwang, 10th year, 9th m. 11th d. (27th October 1830.)

The following Addresses to the Viceroy and Hoppo having been approved of by the Board, will be forwarded to their respective addresses as soon as they are translated.

To the Viceroy of Canton.

WE have received from the Hong Merchants your Excellency's letter on the subject of foreign women coming to Canton, and on foreigners not being permitted to ride in sedan chairs. In regard to the former we are told, that it is contrary to the laws of the Celestial Empire for foreigners to have their wives residing with them. But the public records of foreigners at Canton show that their wives did formerly reside with them : the custom has fallen into disuse for many years from foreigners not wishing to bring them to this city. In all civilized nations it is ordained that men should live with their families, and it is invariably found, that those who do are the most peaceable and least inclined to create disturbances. But if such be the law of the Celestial Empire, how comes it that several foreign women did reside in Canton for many months last season when the ships were here : no prohibition then existed, or it would have been promulgated ; the thing was publicly known, no concealment was attempted, and no disturbance or confusion ensued ; to suppose that such a thing could happen unknown to the police or to your Excellency, is what we never can believe. Was the law then suspended (if such a law does exist) only to be now put in force to irritate and insult with more effect ; for what can irritate more, or make men more reckless of what acts they commit, then to endeavour to tear from them their wives and families. With respect to foreigners not being allowed to ride in sedan chairs in a provincial city, the law and custom are much at variance, for we ourselves have at different times for the last twenty years ridden in sedan chairs when going to merchants houses, and our predecessors have done the same time immemorial, even to the palace of the Viceroy. If a man be sick, and cannot walk, and yet be obliged to attend a merchant's warehouse, how is he to get there if boats cannot be used, unless in a chair. Your Excellency cannot surely mean that he is to be hoisted on

II.

China Papers.

Residence of
Females ;
and
Sedan Chairs.

II.

China Papers.

Alleged Breach of
Chinese Laws.

a man's shoulders, or conveyed in a basket such as pigs are carried in; we know nothing else he could have recourse to, and we know well what a disturbance such a sight as this would cause, and we dread the consequences that might ensue. Your Excellency is said to see into the heart of his Imperial Majesty, but we will not be persuaded that a prohibition so devoid of all compassion or benevolence, so unworthy the character of a civilized nation, can emanate from so wise a Sovereign. Are we permitted to come here to trade, to disperse our money, and yet not be permitted to shelter ourselves from the heat of the sun or the inclemency of the weather; as well might we be told that the laws of China in a provincial city forbid us to wear a hat or use an umbrella. Let foreigners be treated, not like dogs, but human beings, and they will be grateful, and nothing need be feared from traitorous natives; but drive them to extremities by unnecessary insults and ridiculous prohibitions, and they will rebel. A thing trifling in itself becomes of importance if used as a mean to insult and inflame.

We beg, from the wisdom of your Excellency, that these absurd and highly irritating orders may be cancelled and pass into oblivion.

To his Excellency the Hoppo.

WE have received from your Excellency an Edict embracing several topics, to which we now reply. In regard to the insulting and highly irritating proclamations pasted up against our Factory walls, as well as to the absurd prohibition now for the first time attempted to be enforced against foreigners riding in chairs, your Excellency remarks, "How is it that the said Chief Baynes and others have only now found out these insults, and have only now discovered that the weather is hot, and their bodies wearied?" We have to observe to your Excellency that we have long patiently borne many grievances and prohibitions imposed upon us by the local government, which we are satisfied never emanated from the heart of his Imperial Majesty. But forbearance is not appreciated, and has its limits. We hear a great deal in the Edicts of your Excellency and the other authorities of Canton, about the compassion, the tenderness and the benevolence shown to foreigners in this country; but where is the foreigner who can say that these virtues so much vaunted by the local authorities in their public proclamations have ever been extended to him in Canton; they are found on a paper in official documents, but no where else. In regard to riding in chairs, we have ourselves ridden in chairs at Canton for the last twenty years, and our predecessors have done the same for time immemorial, even to the palace of the Viceroy.

The Sovereigns of England and China are on terms of amity, and consequently commerce takes place between the two kingdoms, a commerce equally advantageous to both, certainly not more so to England than to China. Are we permitted then to come here to trade, to disperse our money, and not permitted to shelter ourselves from the heat of the sun, or the inclemencies of the weather in our necessary excursions from our Factories to the merchants' warehouses; the prohibition now for the first time attempted is ridiculous, and never will we believe it to emanate from the Emperor of China, who, when these things are represented to him formally, as perhaps they may be, will not, we are confident, sanction unnecessary insults and prohibitions attempted to be imposed on foreigners by the local government, for no other purpose that we can perceive but to drive things to extremities.

Your Excellency says, there must be traitorous natives concerned with us who fan the flame; but we must tell your Excellency we want not the aid of traitorous natives to make us know what is due to ourselves when attempted to be trampled upon.

Let foreigners be treated, not like dogs, but human beings, and they will be grateful, and no fear need be entertained of traitorous natives; but drive them to extremities by unnecessary insults, and absurd prohibitions, and they will rebel.

In regard to foreign women coming to Canton, the public records of foreigners show, that foreign women did formerly reside with their husbands in Canton; the custom has fallen into disuse from foreigners not bringing their wives with them. The law of nature ordains that a man should live with his wife and children, and the attempt to make a law subversive of this is impossible. A man with his family is more disposed to be peaceable than others without these ties, and it is the custom for our wives to remain at home and employ themselves with their children

dren, and not to make disturbances. But if such a law does exist, forbidding foreign women to come to Canton, how is it that last season, when the ships were here, several foreign women resided in Canton; no notice was taken of it, no concealment was attempted, it was publicly known. Are we to suppose that the police and authorities were ignorant of this fact? The thing is impossible. Does a law then exist which can be suspended or put in force as may suit the purposes of the local government? We know and have seen enough to be convinced, that many things are done at Canton by the local authorities which, if known to his Imperial Majesty, would draw down his vengeance upon them for risking the harmony which at present subsists between two great kingdoms, by driving foreigners to extremities by oppression, when a contrary treatment would make them peaceable and contented.

II.
China Papers.
Residence of
Females;
and
Sedan Chairs.

EXTRACT CHINA CONSULTATIONS, dated 29th October 1830.

To His Excellency the Viceroy of Canton.

WE have received a letter from your Excellency, intended to convey the assurances of our personal security within our Factories, and that they shall be free from all intrusions on the part of the Government, we trust that your Excellency's future conduct will prove the sincerity of your assurances of protection, and will prevent the necessity of resorting to measures to protect ourselves.

EXTRACT CHINA CONSULTATIONS, dated the 1st November 1830.

WE have this day received the following Edict from the Viceroy in reply to our short address, recorded on the 29th.

LE, Member of the Military Board, Governor of Canton, &c. to the Hong Merchants.

It is authenticated that the English Chief, Baynes, and others have presented a statement, saying,—[Here follows a copy of the Note of October the 29th.]

This coming before me, the Governor, I decide according to it, that since the said Chief and others have become penitent, and are awakened to solicit protection, I, the Governor, assuredly will not admit the principle of moving the military to surround and expell them.

According to the contents of the petition, I write these circumstances, and forthwith order the Hong Merchants immediately to enjoin these commands on the said Chief and others for their obedience thereto. Hereafter they must implicitly obey the laws and regulations of the Celestial Empire.

They must not in the least disobey, but set an example and induce all foreigners, every one of them to keep in their proper stations, and then they will not lose the road of commerce for remote men (*i. e.* not cause the whole foreign trade to be interdicted.)

Moreover let these orders be enjoined on the foreigners of all nations, that they may as a body yield obedience thereto. Oppose not. These are the commands.

Taoukwang, 10th year, 9th moon, 16th day.

EXTRACT CHINA CONSULTATIONS, dated 2d November 1830.

WE have this day received the following edict from the Viceroy :

From Governor Le, ordering four small guns to be sent away from the Company's Factory, dated November 1st, 1830.

LE, Member of the Military Board and Governor of Canton and Kwang-se, hereby issues an order to the Hong Merchants, with which they are required to make themselves fully acquainted.

II.
China Papers.
—
Alleged Breach of
Chinese Laws.

It appears that the English Foreign Merchants had brought and laid up guns in the Company's foreign Factory. Yesterday it was authenticated that the Nan-Hae-Heen and the said Merchants reported that the said Foreigners, on the 15th day of the present moon (October 31st) took two large brass guns and muskets, and other military weapons, and removed them back to Whampoa.

But on examination it was authenticated, on a former day, by the Report of the Military Station, that they altogether brought up two large guns and four small brass guns. Now there have only been taken away two large guns; there are still four small brass guns, concerning which no report of their having been removed has yet been authenticated. These are military weapons, and without regard to whether they are great or small, they all ought not to be kept in the Factory.

Since the said Chief himself says that he has confidence in Government, it is incumbent on him immediately to take the four small brass guns, and transport them altogether back to Whampoa.

Uniting these circumstances, I forthwith issue this order. When the order reaches the said Merchants, let them immediately enjoin it on the said Chief and others, that in obedience thereto they may quickly take the four small brass guns, and on the same day remove them back to Whampoa on board the foreign ships, and let them (the Merchants) again present a prepared report of the circumstance of removing them. It is not allowed to delay and gloss over. Hasten! hasten! these are the orders.

Taou Kwang, 10th year, 9th moon, 16th day.

The guns alluded to in the foregoing edict were three small brass guns, belonging to the cutter, and were retained in Canton, in order to be replaced on board her on her return to Macao. Feeling anxious, however, that there should be no apparent want of confidence or good faith on our part, we assured the Merchants that they should instantly be sent away, and that they should be informed of the circumstance as soon as they were gone.

EXTRACT CHINA CONSULTATIONS, dated 13th November 1830.

THE Hoppo Chung, in reply to the Committee's letter, October 28th, 1830; received November 13th, dated the 9th.

Chung, Hoppo, &c. to the Hong Merchants.

It is authenticated that the English Nation's Chief, Baynes, and others, have presented a statement, as follows :—[Here follows a copy.]

This coming before me, the Hoppo, I have examined, and find that the said Chief and others before presented a petition, in reply to which I explicitly commanded the Hong Merchants to order the said Chief and others to adhere implicitly to the old regulations, that they must not intentionally oppose prohibitions.

Now the said Chief and others have again sent in a whining, dunning, disputatious representation. The contents of the petition are not originally worth any further notice or persuasion, but indulgently considering that the said Foreign Merchants have come 10,000 miles to trade, and it involves their very means of existence, I would exercise the liberality of our holy and wise Dynasty, which is as expansive as Heaven itself, and for the sake of the said Chief and others stoop to point out their stupidity.

In their petition they say that the insulting proclamation suspended against the Company's Hong, has been reluctantly borne with for many years by Foreign Merchants, &c. Know they not that the Celestial Empire benevolently cherishes and justly corrects. I was only apprehensive that the said Barbarian Merchants would throw themselves into the net of the law, and therefore previously promulgated instructions, and stooped to show the way of preserving all entire. I by no means harboured the least intention of harsh treatment.

Besides, the proclamation stuck up against the Company's Hong has been there annually for more than 30 years. It did not commence to-day. As they say the language of the proclamation was rather ignominious, why did not the former Barbarian Merchants early indulge their anger, and with hearts, dead to the subject, cease to come again to knock head at the service for an open market! Why did they

they cross an immense ocean, through numerous dangers, and every year come. It may be seen that the said nation's (*) native spirit depends solely on trade for the necessities requisite to support life. Woollens, camlets, clocks and watches are things which China does not find necessary, but tea and silk are articles which the said nation cannot possibly do without. It is by no means the case that the former Foreign Merchants forced themselves to bear patiently, but the fact is, they clung to the means of getting a livelihood (or supporting existence).

Now the said Chief and others disobey, and offend against the orders of Government, and on every subject croakingly boast.

The Governor, and I, the Hoppo, have already met, and according to the facts reported for the hearing of the great Emperor, although he cherishes tender thoughts intensely, how can he extend indulgence to violators of the law? The state of things must provoke his holy anger to inflict severe chastisement, and possibly † to † 1 to 10 thousand. interdict the commerce, not allowing it to come from the south.

Although I wish to keep things entire, I have no opportunity afforded to confer compassionate kindness. This is caused by the said Chief and others themselves cutting off the means of existence, and involving all the Foreign (or Barbarian) Merchants throughout the whole of their country. The said Chief and others must, as is incumbent, over and over deeply meditate, and become aroused and awakened to repent of the past, and guard against the future. Do not scheme for selfish convenience, and obstinately adhere to your former talk. Thus, with quiet mind, keeping in your station, you may enjoy the favour of benevolent rule. Let the said Chief and others look up, and realize these thoughts. Uniting these things, an order is hereby issued to the Hong Merchants to act in obedience to the tenor of this, and to take the circumstances and principles contained in the above commands, and addressing themselves to the Chief, clearly and distinctly proclaim them to him. It is absolutely necessary that backwards and forwards and round about the matter be explained, and be caused to report intensely! Intensely! A special Edict.

Taou Kwang, 10th year, 9th moon, 24th day (Nov. 9th, 1830.)

EXTRACT CHINA SECRET CONSULTATIONS, dated 30th November 1830.

THE following document has this day come into our possession, and although the mode in which it was obtained renders it impossible to place implicit confidence in its authenticity, still, as far as can be gathered from internal evidence, it leads us to believe it to be genuine. If so, it is a good specimen of the manner in which reports are made to the Imperial Court from distant provinces of the empire, and tends to show how plausible a statement may be drawn up on any subject, where all regard for truth is thrown aside.

Memorial from Iseang Keun, Governor, Foo Yuen and Hoppo to the Emperor, relative to Foreign Affairs, written early in November 1830, and Copy received from a private hand; the Copy received is not dated.

KING, the Iseang Keun, Commandant of Canton, Le, Governor of Canton and Kwongse provinces, Loo, Foo Yuen of Canton province, and Chung, Hoppo of Canton, kneel and report to his Majesty for his information.

On examination it appears, that all the foreigners of various nations, who, crossing the sea, come to Canton to exchange goods, reside during the spring and summer of every year at Macao. For the autumn and winter the import and export goods being all at Canton, where the Hong Merchants exchange them, they then remove and reside at Canton, in the foreign Factories; foreign women brought with them were formerly permitted only to reside on board the foreign ships; in the 16th year of Keen Lung (A. D. 1751), they were first permitted to reside at Macao; but as yet no permission had been granted for them to be brought to Canton. In the 34th year of Keen Lung (A. D. 1769), Feishin, an Englishman, brought up a foreign woman to reside at Canton; the foreign woman was taken in custody back to Macao; and a strict prohibitory proclamation was issued. There are still records hereof that can be examined.

After

*

土用

Native spirit; usage, or habit.

II.
China Papers.
Residence of
Females;
and
Sedan Chairs.

II.

China Papers.

Alleged Breach of
Chinese Laws.

After the 34th year of Keen Lung there have been reports of foreign women being clandestinely brought to Canton, or residing there in secret for several days; but it has been without any person being aware thereof; and they have afterwards been taken back to Macao; when this has been the case there are no records that can be examined.

It appears on inquiry, that in the spring of the present year, foreign women came to Canton and resided here secretly; but just when orders were being issued to the Hong Merchants to drive them away, they returned to Macao. Now the English Chief, Baynes, has again brought a foreign woman to Canton, to reside in the Company's Foreign Factory; and, moreover, the said Foreign Merchants, coming on shore from their ships, have entered their Factories sitting in sedan chairs. Your Minister Le, issued orders to the Hong Merchants immediately to drive out the foreign woman, and bid her return to Macao; and not hereafter to permit Foreign Merchants, when entering their Factories, to get into sedan chairs or sit in shoulder-carriages. It is authenticated that the said Chief and others immediately thereon, came to the four offices of us, your Ministers, and at each presented a petition, praying for foreign women to reside in their Factories, and for permission to be granted to use sedan chairs; the language of the petitioners was not clear and perspicuous, and the phraseology was far from humble. We, your Ministers, have all, with strictness, rejected their petitions, and ordered them still to obey old regulations, and not in the least oppose them.

The said Chief and others having heard it falsely reported without, that soldiers were to be appointed to surround and expel the Foreign Merchant and foreign woman, became fearful and suspicious in their minds, and sent a general letter to all the ships anchored at Whampoa, ordering above one hundred sailors, under cover of night, to take several guns, muskets, &c. conceal them in the hold of a small vessel, and clandestinely enter with them into the Foreign Factories in Canton provincial city. The military stations immediately got information of it and reported; and we, your Ministers, instantly gave secret orders to the officers of the military stations, on land and water, not to make the least noise or motion, but to keep watch with increased vigilance, and ordered the Foo and Heen Magistrates, and the Wei-Yuen, all to appoint trusty attendants in different places, to examine carefully and suppress disturbance, and not permit native traitorous Chinese to hook on with, instigate, and befool foreigners and create riot; that hereby the Merchants and populace might be prevented from becoming alarmed or suspicious. We at the same time ordered the Hong Merchants and Linguists to speak sternly to the said foreigners, demanding why they secretly brought guns, &c. to their Factories; and what were their intentions? It is authenticated that they declared, that it was really because they had heard that soldiers should be immediately appointed to take the foreign man and foreign woman, and drive them both out; that in the fear and excited feelings of the moment, they took the muskets and guns which had been brought in their ships, for the defence of their persons, and brought them up during the night, and that they really did not know that guns were things which were not permitted to be brought up. On examination, we, your Ministers, find, that the said Foreigners, in coming up to Canton and going down to Macao, have hitherto been permitted to carry two or three muskets with them to protect themselves against thieves; this is really not prohibited: but as to the guns on board the ships, for many years they have not been permitted to be brought to the Factories at Canton. We again strictly commanded the said foreigners speedily to take the guns and muskets and immediately carry them back to the ships, and to make the sailors return quickly to Whampoa. After the lapse of some days, the said foreigners took the muskets and carried them away, and the sailors scattered and returned, but the guns still remain planted within the gate of the Foreign Factory; and the Hong Merchants were requested to solicit for them, that a short time might be granted before the foreign woman was again ordered to Macao. We, your Ministers, considering that the said foreigner, Baynes, in the first place secretly brought a foreign woman to reside in this Factory, and in the next place clandestinely transported guns and weapons from the ships to guard against being surrounded and expelled, both which are acts of presumption and opposition to old regulations, mad, rebellious and irregular acts; have now again ordered the foreign woman to be immediately and speedily taken in custody back to Macao, and the guns that are still retained to be all carried back to the ships and kept there. If they really act in obedience to these orders, and do not oppose, we, your Ministers, will, looking up, take the tender intentions entertained by your sacred Majesty, and still

still permit them to continue trading as usual ; but if they dare to delay or oppose, we will then, according to your Majesty's edict of last year, drive them out and expel them with severity, entirely stop their trade, and inflict a heavy punishment on them ; we decidedly will not presume to make the least accommodation with them, thereby leading to the increase of the unruly disposition of the obstinate foreigners.

We, your Ministers, consider that, though this time the offences of the foreigners in opposing prohibitions have not brought us to the necessity of employing soldiers, yet the said foreigners original disposition has heretofore been unyielding and unfathomable. If it be necessary to keep them in awe by a military force, then it will be incumbent on your Minister King to appoint officers and soldiers of the Eight Banners (that is Tartars), both on land and water, and unite them with the officers and soldiers whom your Minister Le will appoint, that they may conjointly manage the business.

Again, we, by express, present a prepared Memorial. Because this business has relation to foreigners, and involves the dignity of the empire, we dare not refrain from stating the facts. With reverence, we, in conjunction with your Minister King, the Too-tung of the right wing, unitedly present this secret Memorial, begging your Majesty's sacred glance at it. A respectful Memorial.

II.
China Papers.

Residence of
Females ;
and
Sedan Chairs.

EXTRACT CHINA CONSULTATIONS, dated 8th December 1830.

THE Merchants this day waited on Mr. Davis, bringing with them two Edicts, one from the Viceroy, respecting the late Committee, and another from the Kwangchow Foo, concerning the residence of ladies in Canton. The one from the Viceroy was of so insulting and improper a character that Mr. Davis declined receiving it on his own authority, and told them they had better present it to the assembled Committee.

The following is a translation of the Kwangchow Foo's Edict :

Fum Hoo, the Kwangchow Foo, dated December 4th, received the 9th 1830.

Hoo, the Kwangchow Foo, issues this to give orders concerning a certain affair.

It appears that the foreigners have disobeyed prohibitions, and presumed to bring foreign women up to the provincial city. The Governor's orders have been repeatedly received to drive them away.

It has been officially reported to Government that the foreign women brought by the English Chief Baynes, and the American Foreign Merchant Low, have been returned to Macao ; but it is found that the English Foreign Merchant Thornhill, and the Indian Foreign Merchant Whiteman, both brought foreign women and servant girls, and they are still residing in the Foreign Factories. As yet no official report of their return to Macao has been sent in.

Why do the Hong Merchants suffer them to procrastinate ? It greatly indicates contemptuous trifling.

Severe and intense orders have now been received from the Governor, urging the business, and it is decidedly impossible to suffer it longer for a moment.

Beside issuing orders to the Nanhaeheen to act in obedience thereto, this order is issued to the Hong Merchants, requiring them as soon as they receive it to enjoin its contents authoritatively on the said Foreign Merchant Thornhill, requiring him this very day to take the foreign women and servant girl, and send them in custody back to Macao.

Let an official answer be returned for careful examination. If disobedience and delay be still persisted in, the Security Merchant, the Linguist and the Compradore shall all be brought up and involved in a manner not expedient for them. Hasten ! hasten ! These are the commands.

Taoukwang, 10th year, 10th moon, 20th day.

EXTRACT CHINA CONSULTATIONS, dated 11th December 1830.

THE Committee assembled to meet the Merchants. Previously to their arrival the President stated to the Committee that they must in some degree feel prepared

II.

China Papers.

Alleged Breach of
Chinese Laws.

for renewed attempts at annoyance on the part of the Government, in consequence of the late changes, and that the surest and most prudent mode would be to meet them with such a degree of temperate firmness at the very outset as would effectually check such a disposition. The other members of the Committee cordially coincided in these sentiments.

The younger Howqua and Mowqua having arrived, they delivered to the Committee the Viceroy's Edict respecting the late President, which was forthwith sent to be translated.

Mowqua then stated that they were directed by the Viceroy to communicate his commands that the Committee should instantly order the ladies now resident in Canton to return to Macao. This was refused, and they were told that by their own positive pledge and promise on the 29th of October, no further annoyance was to be given on the subject, and that the question was then set at rest.

They then endeavoured to urge the point, by representing the persecutions they would be subjected to in consequence. We informed them that we deeply regretted such should be the case; that could we in any mode help them we should be most willing; but that we could on no account recognize the principle that we were to be forced into compliance on that or any other point by an appeal to our feelings. We told them that such a compliance could not fail to be highly injurious to both parties, for that if the local authorities once entertained the notion that we could be induced to swerve from our resolutions by the imprisonment and persecution of those with whom we have intercourse, it would inevitably be resorted to on all occasions. We should here remark, that the younger Kinqua, who is the Hong Merchant, has been for some days past in prison at the Namlae's jail. The cause assigned is that he secured a ship consigned to Mr. Whiteman, but which has now left the port nearly three months. Mrs. Whiteman has been residing in Canton for the last fortnight, and this measure has been resorted to by the Government as the means of compelling her to return to Macao. The merchants then withdrew, and the Committee separated.

EXTRACT CHINA CONSULTATIONS, dated 12th December 1830.

THE following is a translation of the Edict yesterday received from the Merchants.

Document from the Hoppo Chung concerning Mr. Baynes, dated November 30, received December 11.

Chung, by imperial appointment, Hoppo of Canton, &c. to the Hong Merchants, Howqua and others.

I HAVE received from the Governor a communication, on opening which the following appeared:

Last year the English nation's foreign ships delayed entering the port, in expectation of obtaining an alteration of the old commercial regulations, and repeatedly sent in dunning* petitions. Although the Chief Plowden joined his name with the others, I, the Governor, on making a minute and careful inquiry, have heard that the business all arose from Baynes, Millett, &c. wildly putting forth their lordly views†, and laying plans of perverse craftiness, so that the ships long remained anchored outside, much of the cargo became mouldy and rotten, and all the Merchants were greatly injured.

This year Baynes falsely filled the office of Chief, and again presumed to oppose the prohibitions of the Celestial Empire, brought women and girls to the provincial city to dwell in the Company's Factory; and at last, when his reasoning failed and his heart became frightened, he ordered the sailors in the ships to bring up during the night five brass guns, muskets, &c., and arranged them at the gate of the Foreign Factories for the purpose of defence. Such conduct as this was indeed the extreme of mad rebellion. It would have been right immediately to have inflicted extermination; but considering that this was the crime of one individual, Baynes, I could not bear to involve all the foreigners; therefore I, the Governor, stooped to exercise clemency and forgiveness, and not only forbore to inflict awful punishment, but also refrained from stopping the trade. I suppose this completeness of compassion for remote persons is what all the Foreign Merchants of the said nation's ships universally know, and have heard.

* Or insulting.

† Or decisions.

But Baynes audaciously exhibited every sort of contemptuous behaviour ; death is not sufficient to cover his crime !

I, the Governor, have already united with the Iseang Keun, the Fooyen and the Hoppo, in a memorial to the Emperor on the subject. It is estimated, that during the first decade of the 11th moon (before the 24th December), the Imperial will may be received.

I have now received a document from his honour the Hoppo, saying, that a permit is requested by the Englishmen Marjoribanks, Davis, Robinson, &c., to come to the provincial city.

I suppose they were chosen to be Chief, Second and Third, and have come to change the Committee. Since the said Baynes goes out of the Chiefship, it is a question whether or not he should be ordered back to his own country. If hereafter we shall receive his Majesty's commands to take Baynes and punish his crimes, it will then be right that he be delivered over to be punished. He must not clandestinely steal away, in the hasty hope of getting off as if nothing had occurred.

Beside ordering the Hong Merchants, Howqua, &c., in obedience hereto, to go immediately, and perspicuously enjoin the tenor of the above commands on the new Chief, and order him on the same day to write back perspicuously, how Baynes is taken care of to be forthcoming, no excuses or procrastination can be allowed, such conduct will involve him in heavy guilt.

Moreover letters have been sent to the Poochingsse and Anchasisse, to unite and hasten to order the Kwangchowfoo to take under his direction the Nanhaehein, and communicate orders to the Hong Merchants that they may, in obedience thereto, enjoin the commands of Government on the new Chief and others to write back, clearly stating in what place they have confined Baynes till the business be settled.

Furthermore, it is right to make this communication to the Hoppo, that he may examine the contents and act accordingly.

On this coming before me, the Hoppo, I forthwith issue an order to the Hong Merchants.

[Here he repeats the last clause of the Governor's document]. Tremble at this ! A Special Edict !

Taowkwang, 10th year, 10th moon, 16th day.

EXTRACT CHINA CONSULTATIONS, dated 14th December 1830.

THE following reply to the Governor's Edict having been approved of by the Board, the Merchants will be requested to attend the Committee to-morrow morning to receive it.

To His Excellency the Governor of Canton.

WE have received your Excellency's Proclamation, bearing date the 10th year, 10th moon, and 15th day.

We beg to acquaint you, that in compliance with instructions received from the authorities in England, to whom alone we look for all orders regulating our transactions in this country, we have undertaken the management of the affairs of the East India Company in China. It will at all times be to us a source of satisfaction if the amicable relations between the British nation and China can be preserved uninterrupted. It is therefore with much regret we have received your Excellency's Proclamation, asserting a right of interference with the servants of the Company in this country, which we beg firmly, but respectfully, to state we can never admit. In regard to the personal imputations directed against the late Chief of this Factory, we feel ourselves called upon altogether to disclaim them. It is stated, that the ships of the Company were by him prevented entering the port, "in expectation of obtaining an alteration of the old commercial regulations;" but according to your Excellency's admission, the condition of the Hong Merchants had at that period become "sickened and debased," and foreign trade with China was in a state which imperiously called for amelioration; we are glad to think that that amelioration has in some measure been accomplished.

Mr. Baynes did not, as your Excellency has been most improperly informed, "falsely fill the office of Chief;" but on Mr. Plowden's departure it became his

II.

China Papers.

Residence of
Females;
and
Sedan Chairs.

II.

China Papers.

Alleged Breach of
Chinese Laws.

duty to take upon himself that office, and to conduct, in concert with the other members of the Committee, the affairs of the East India Company.

In regard to the subject next alluded to in the Proclamation, to which we now offer a reply, namely, the resort of the wives of British subjects to Canton, we cannot but believe that your Excellency has, from the expressions which you have applied to it, been much misinformed. The wives and families of foreigners have at all times been admitted to reside at Macao, nor have the laws of China ever prohibited their doing so. By your Excellency's predecessor an English lady was ordered to be brought to Canton, who had unfortunately been wrecked in an English ship on the coast of Hainan, and was conveyed here with other persons in a Chinese trading vessel. It has frequently occurred that English ships have been the means of saving the lives of Chinese subjects, who have been found cast away on some of the numerous islands in the seas adjacent to this empire. The mind dwells with sincere pleasure on such reciprocal good offices, proofs alike of civilization and humanity.

In this country, where the relations existing between husband and wife, and parent and child, are held in such high and deserved estimation, we cannot believe that it could ever be your Excellency's wish to deny to foreign residents in Canton the possession of these advantages, on which, according to the maxims venerated in China, the moral condition and happiness of mankind so much depends. Such we feel assured could never be the intention of the benevolent mind of his Imperial Majesty, who so unremittingly inculcates the conjugal, parental and filial duties on his own subjects.

In reply to the statement that the late Chief of the Factory acted violently in ordering armed men to Canton, we have only to mention that this was done in consequence of a formal intimation, which was made by the Hong Merchants, that the Factory was about to be attacked. Mr. Baynes being thus assured that the lives and property of British subjects were endangered, deemed himself called upon to protect them.

We could have much wished that we were not under the necessity of offering any further observations on the Proclamation, to which we now reply, as we are still inclined to believe that your Excellency must be sufficiently conversant with the British character to be aware, that we are incapable of being at any time induced by threatening language to diverge from the straight forward line of public duty. While serving our employers to the best of our humble power, we are unacquainted with a feeling of personal apprehension; we are insensible to such an influence; we dare not trust ourselves with quoting the expressions which have been applied to the late Chief of this Factory. We are desirous to address your Excellency in the language of truth, but in deference to the eminent situation which you hold, we wish to do so with respect. We cannot consider as applicable to an English authority the terms which have been used; they could only have been suggested to your Excellency by the misinformation of others; they could not emanate from a mind such as we are given to understand your Excellency possesses, governed by enlarged views, and directed by the principles of justice.

December 14th 1830.

EXTRACT CHINA CONSULTATIONS, dated 23d December 1830.

WE have this day received the following Edict from the Governor, in reply to our address dated the 14th instant.

From Governor Le, dated December 23d, received on 24th, 1830.

LE, Cabinet Minister, member of the Military Board and Governor of the two Kwang provinces, hereby issues his commands to the Hong Merchants.

It is now authenticated that the English Chief, Marjoribanks, and others, have presented an official document, saying—[Here follows a copy of the Committee's letter of December 14th.]

This coming before me, the Governor, I have examined and find that the merchant ships of England have come to Canton to trade, upwards of a hundred years, and for so long a period there has been mutual tranquillity; in every instance there has been obedience to the laws and regulations of the Celestial Empire, none has dared to make the least opposition. Even with respect to the said nation's ships
bringing

bringing married or unmarried women, they have invariably sent them on shore at Macao, they have never brought them up to Canton city to dwell in the foreign Factories.

During the reign of Keen Lung, it happened by mistake that some were brought to Canton, but they were all sent back in custody to Macao. There are repeated cases on record which afford evidence of this; but the late Chief Baynes, during the autumn of the present year, suddenly presumed to bring women with him to the Company's Factory to reside. Afterwards Thornhill and Whiteman came forward, and imitated the bad example, thereby violating the interdicts of Government.

I, the Governor repeatedly issued orders on the subject, charging them intensely that it could not be allowed; but I neither added the punishment which could have awed them, nor suddenly stopped your* trade, because sincerely I could not bear, on account of the irregular, wild conduct of the individual Baynes, to involve all the ships; hence it was that I acted with so much liberal forbearance; I really desired, for the sake of the said country, to preserve her trade entire. I suppose that the said Chief and others, since their arrival in Canton, have heard all the detail.

Now that Baynes is gone, his offences may all be left to himself; originally they do not concern the present Chief and his colleagues; but you, the Committee, are persons sent by your own country to control the commercial affairs; you must, no doubt, be persons who clearly understand what is reasonable and just, and maturely acquainted with the regulations. It is your duty to lead all the Foreign Merchants, to keep every one of them in his proper place, and not transgress the usages. If any one brings women to Canton, it is incumbent on you to speak plainly the correct sentiment, to reprehend him, and order him to hasten and return them to Macao. Moreover, you should previously caution all the people resident at Macao, and tell them that they are not allowed to bring their families to Canton. There you will go in the right way, which is incumbent on those who reside at Canton and have the general control. As to what is said in the Petition, that husband and wife should not be separated, this refers to ordinary cases, when living at home. If they go abroad and become guests in a country, how can they be viewed according to the same rule? Besides, at Macao they may be sent to reside: where is the necessity of overstepping the mark and going to Canton?

Try to think, of all the various nations whose foreign merchants come to Canton, there are a great many who do not bring their wives and daughters. How do they separate?

That a sudden and wilful violation of interdicts which had been long obeyed was a wild, irregular act, I suppose the said Chief and his colleagues already know.

At this time it is especially incumbent strictly to order Thornhill to repent speedily and alter his behaviour, not persisting in his former stupidity. Thus the strength of the said Chief will be competent to draw him back for the time to come from his past errors, and the affair will be completed on both sides.

To sum up the whole, the said nation's ships and merchants passing over such immense oceans, come only for commerce, how can they be willing to indulge the idea of creating disturbance?

The Celestial Empire also decidedly will not treat harshly persons from remote parts. If, indeed, they implicitly adhere to old usages, and do not wilfully originate novel notions†, no doubt there will be mutual tranquillity. In order to effect this, I do not fear the toil of reiterating admonitions and cautions on the said Chief and his colleagues.

Uniting these things, this Order is forthwith issued to the Hong Merchants, requiring them to enjoin its contents clearly and plainly on the said Marjoribanks and the others, that they may obey accordingly. Oppose not. Hasten! hasten! These are the commands.

Taoukwang, 10th year, 11th moon, 9th day.

II.
China Papers.

Residence of
Females;
and
Sedan Chairs.

* Here and below he quits speaking to the Merchants, and speaks directly to the Committee.

† The allusion is to a tree shooting forth new branches.

II.

China Papers.

Alleged Breach of
Chinese Laws.

EXTRACT CHINA CONSULTATIONS, dated 29th December 1830.

WE have received from a private source, the following Copy of the Imperial reply to the Memorial in our Secret Consultations, under date 30th November. The evident intention of it is to leave discretionary power to the officers of the local government to act according to circumstances :

Canton, December 29th, 1830.

Translation of a document received privately from the Court of Peking.

ON the 14th of the 11th moon of the 10th year of the reign of Taoukwang (December 28th, 1830), a fire despatch (an express) was received from the Military Board, containing a letter from the great officers of army movements ; saying, that King, the Teangkeun of Kwang Chow ; the Cabinet Minister and Governor of Canton, Le ; the Fooyuen Choo and the Hoppo Chung had memorialized ; and on the 24th day of the 10th moon of the 10th year, the Supreme commands were respectfully received, stating ;

It is authenticated that King and others have reported that the English Nation's Chief, Baynes, had conveyed foreign women to the provincial city, to dwell in the Company's foreign Factories ; further, that the said Foreign Merchants had, in going on shore from their ships, sat in sedan chairs, and proceeded to their Factories, [&c. as before translated ; Emperor's answer concerning the guns, &c.]

According to internal regulations, foreign women are not allowed to go to the provincial city to dwell, and Foreign Merchants are not allowed to sit in chairs, and enter their Factories. Their bringing musketry and cannon is only for defence against pirates at sea ; it is by no means allowed to convey them clandestinely into the city.

Now that the said foreigners have presumed to disobey old regulations, King and the others must issue strict and explicit orders, and cause them to obey and keep the old regulations. Hereafter they must not in the least degree oppose, nor wilfully offend against the prohibitions. If still they dare to persist in opposition, then forthwith adopt measures to expel them, and exhibit primitive correction, there must not be the least approximation or giving in. It is necessary (for the four persons named above) to consult and manage safely. Whilst cherishing tenderness towards outside foreigners, still there must be no loss of the dignity of the arrangements of the Celestial Empire. To do this will be good management.

Take these commands and make them known to King, Le and Choo, that they may communicate the commands to Chung (the Hoppo) for his information. Respect this. In obedience to the Imperial will, we (the great officers, &c.) send this letter.

EXTRACT CHINA CONSULTATIONS, dated 4th January 1831.

WE have this day received from a private source, the following Copy of a Memorial to the Emperor, from the heads of the local government, concerning the proceedings of the last few months ; it evinces an equal disregard for truth, as most documents of a similar description.

Memorial to the Emperor from the Tseong Keun King, the Governor Le, the Fooyuen Choo, and the Hoppo Chung, concerning the supercession of the Select Committee, dated 1st January 1831.

YOUR Ministers, King, Le, Choo and Chung, kneel and report. We before reported unitedly, that the English Chief Baynes, had brought up a foreign woman to the provincial city to dwell in the Foreign Factory ; that the said Foreign Merchants, on coming on shore from their ships, entered the Factories seated in sedan chairs, and that having erroneously listened to false statements, of soldiers being sent to surround and expel them, they became suspicious and fearful, and clandestinely

clandestinely brought guns and muskets from on board their ships to the Foreign Factories at the provincial city. On the 14th day of the 11th moon of the present year (28th December last), we received a letter from the great ministers, who direct the movements of the army, stating that the Imperial will had been respectfully received. [Here follows the clause of the answer which contains the Emperor's will.]

On examination, we find that after this former prepared memorial, the said foreigner, Baynes, getting a little knowledge of repentance and awe, on the next day, took the great and small brass guns and sent them severally back to the various ships. The foreign woman also returned to Macao. These things, at the several times of their occurrence, your Minister Le, in conjunction with your Ministers King and Chung, reported on attached slips of paper (or by postscript) as is on record.

We, your Ministers, on examining very minutely, find that the foreigners of the said nation are indeed all stupidly obstinate, but that the Chief, Baynes, is still more so, perverse and obstinate to an extreme; and that in many cases it has been Baynes who has madly thrust forward his views and wishes. Other persons have been chosen in the said country to be Chief, second and third Supracargoes, and they having come to Canton to change places with (the former ones), Baynes has immediately been dismissed.

We, your Ministers, have made inquiry as to the reason of this, and it is authenticated, that, in reply, the Hong Merchants state that they have heard, that because of Baynes having last year frequently presented petitions, madly hoping to change the old regulations of the trade, and having forcibly caused the various ships to delay entering the port, so that a large portion of the foreign goods were spoiled by mould and rust; the said country knew that it was Baynes and his colleagues who had involved themselves in this state of things, and therefore recalled him.

We find on examination, that the foreigners are covetous of profit, and very crafty and artful. It is not Baynes alone who is thus; so that although Baynes is now dismissed, it is difficult (or impossible) to ensure that in future those foreigners, who are put in his stead, will not again madly form crafty plans; we can only immediately thereon examine and issue strict orders for them to understand, that "hereafter it is absolutely necessary that the English Chief, and all the foreigners of the various nations, pay implicit obedience to the prohibitions of the Celestial Empire, and tranquilly continue the ordinary course of trade." If any should presume again to oppose, it will be our duty, in obedience to your Majesty's will, to form some plan for driving them out, and inflicting severe punishment and correction, without in the slightest degree approximating to, or making accommodation with them, in order thereby to make the dignity of the Empire revered, and to keep in awe the stupid obstinacy of the barbarians.

It is consistent with right reason that we should unitedly report again by an added slip of paper (a postscript), begging a sacred glance at it. A respectful memorial.

EXTRACT CHINA CONSULTATIONS, dated 13th January 1831.

WE have this day received the following document from the Merchants:

Order from Governor Le, communicated by the Kwongchowfoo to the Hong Merchants, dated January 12th, received 13th, 1831.

Hoo, the Kwongchowfoo, to the Senior Hong Merchants, for their full information. A document has been received from the Treasurer, who received it from the Governor, who says,

The Imperial commands have been respectfully received, saying, "Former regulations have disallowed foreign women residing at Canton; foreign (or barbarian) Merchants, are not allowed to enter their Factories sitting in sedan chairs, and their bringing muskets and cannon is only to defend themselves against pirates at sea; they must not, on any account, clandestinely transport them to

II.

China Papers.

Alleged Breach of
Chinese Laws.

Canton. These foreigners having presumed to oppose old regulations, you must issue strict, severe and explicit orders for them to obey, and keep the old regulations. Hereafter there must not be the least opposition or disobedience to prohibitions. If still they dare to procrastinate and resist, let them immediately be expelled by force, and a manifestation of chastisement exhibited. Respect this."

Having respectfully transcribed this, it is hereby sent to the Treasurer, to pass it to the Kwongchowfoo, who must transmit it for implicit obedience. Examine into it, and act accordingly.

(I, the Kwongchowfoo) having received the above, have written to the Nanhaehen, commanding him to obey it, beside which I hereby issue an order to the Senior Merchants, that they may forthwith reverently obey, and order with strictness, severity and perspicuity, the said Chief and others, one and all of them, to obey and keep the old regulations. They must not in the least oppose or violate the prohibitory orders of Government. The foreign women who have been brought by Thornhill and Whiteman, and of whose return to Macao there is as yet no authentic report, must be urged and commanded to be removed to Macao this very day, and a report of the same presented to Government. If they still dare to procrastinate and resist, assuredly his Majesty's commands will be implicitly obeyed, and a rigorous infliction of expulsion and chastisement be manifested. The said Hong Merchants also will greatly offend, and find it inexpedient. Tremble at this! Heedfully attend to this. Oppose not. These are the commands.

Taoukwang, 10th year, 11th month, 29th day. (January 12th, 1831.)

EXTRACT LETTER from the Select Committee at Canton to the Court of Directors, dated 23d October 1831.

Par 9. WE regret to state that an unfavourable and malignant temper has lately been displayed by the Chinese Government, in the publication of several insulting and opprobrious Edicts, promulgated with the evident intention of degrading the character of foreigners amongst the lower orders of the natives, and calculated in a high degree to aggravate the feelings of the former, and excite the disposition of the latter to offensive acts. Amongst these Proclamations, several have appeared prohibiting the residence of European females in Canton, and within the last two days a verbal message was delivered to us by Howqua, attended by the whole body of Hong Merchants, stating most distinctly, (and as an intimation emanating directly from the Viceroy, which he desired might be immediately committed to writing), that unless a lady now residing in the Factories, removed in two or three days, a party of soldiers would be deputed by the Viceroy to seize her person.

10. We consider it proper to state that the indignities which the Chinese Government has lately attempted to heap upon foreigners, has been so keenly felt by the residents in this city, that an address has been presented to us, signed by, we believe, almost every member of the British Commercial Community, requesting our co-operation and assistance in remonstrating against this shameful line of proceeding on the part of the constituted authorities.

11. The threat of seizure, levelled against a person resident in the precincts of our Factories, is so subversive of the security indispensable to the conduct of the trade, that we feel any measure resembling concession on such a point, would be highly injurious to the interests of the British nation, of which we are in this country the representatives; we therefore determined, with reference to the abstract question of personal security, to resist this menace of violating the precincts of our residence, hitherto held sacred, to the utmost extremity, and resolved to adopt the necessary precautions for repelling the attempt if made.

12. As regards the questions of the residence of European females in Canton, nothing can be more unreasonable than the objections now urged against it by the Chinese Government. In the past season, several ladies resided in the Factories without any attempt at molestation on the part of the Canton authorities, or even an observation being passed upon the subject. Mrs. Baynes, at whom the present insulting menace has been directed, accompanied her husband to Canton by the
express

express invitation of Howqua, whose character is too cautious to cominit himself inconsiderately. The prohibition therefore now issued against her residence in Canton, appeared to us as absurd and inconsistent as the terms in which it was conveyed, and the threat which accompanied it are galling to the feelings of every Englishman.

13. We would here bring under the consideration of your Honourable Court that the President of the Factory, in the discharge of his duty, must necessarily at times render himself extremely obnoxious to the Chinese Government. We allude to those occasions when cases involving life are under discussion with the Government; and we would beg most respectfully to add, that the conscientious and prompt discharge of responsible duty, involving exposure to the odium of this Government, is scarcely compatible with the feelings attendant upon separation from a wife and family placed under no protection, and liable, in a desperate emergency, to the acts of a government which has shown itself capable of conduct of the most atrocious nature. The preceding remarks may apply with equal propriety to every member of the Factory, who might find himself in similar circumstances to those in which the President is now placed, and are not intended to refer to the solitary instance which has now been taken up by the Viceroy.

14. But the threat held out by the Government on this occasion embraces in its bearings a much wider field than the solitary instance in which it has been exercised. It has probably been induced by the sudden departure of two persons from Canton, Mr. Fearon, the Hanoverian Consul, and the Parsee Merchant Merwanjee, the master of the three Parsees concerned in the affray which caused the death of Captain Mackenzie. Mr. Fearon is a resident in the Factory where the transaction took place, and is also connected in business with Merwanjee. Mr. Fearon's name was introduced into a report of the transaction made by a low police officer to the superior Magistrates, we believe, at the instigation of Mr. Bovet, to screen himself from implication, although perfectly innocent of the smallest participation in the occurrence. Mr. Fearon was so far intimidated by the inquiries of the Government into an affair, where his name had been reported as an accessory, whose delinquency was suspicious, that he judged it prudent to quit Canton; and the Parsee Merchant Merwanjee, under the impression that he might be held responsible by the Government for the acts of his dependents, adopted the same course.

15. The Chinese authorities have doubtless been encouraged in their demands for the delivery of the three Parsees by the two instances of successful intimidation above related; and were the slightest disposition of concession evinced by us at the present moment, it cannot be doubted that they would be emboldened to proceed to fresh acts of aggression, such as the search of our Factories for the offenders, insulting menaces, or even the positive seizure of the person of some British subject.

16. We therefore came to the determination, that firm and deliberate resistance to the line of conduct assumed by the Government afforded the only hope of avoiding a series of indignities and insult, as well as of establishing the security of person, so essential to the conduct of the trade. A guard of seamen was immediately ordered from the ships for the protection of the Factory, in case of any attack being attempted; and the Merchants were informed the same will not be withdrawn till the Government give ample assurance for the personal safety of every British subject resident in Canton.

17. We are happy to be able to add to this despatch the assurance that there appears no intention upon the part of the Government to disturb the commercial transactions of the season, which continue perfectly uninterrupted. The Hoppo has announced his intention of proceeding to Whampoa to-morrow for the purpose of measuring all the Honourable Company's ships. It is further satisfactory to us to inform your Honourable Court that the lading of four ships is already far advanced, and that of three more has been commenced.

18. We cannot here refrain from expressing our conviction that the very serious discussion of the preceding season has had a sensible effect upon the conduct of the Chinese authorities, with reference to the employment of the means of coercion, to which they formerly resorted with such readiness. We allude to the suspension of trade. No hint has been made in the demands urged by the Government for the delivery of the three Parsees concerned in the affray in which Captain Mackenzie lost his life, that this weapon of compulsion would be employed; we are happy also to perceive that the Government, though they have undoubtedly authorized the verbal communication of the insulting threat detailed in the 9th paragraph of

II.

China Papers.

Residence of
Females;
and
Sedan Chairs.

II.

China Papers.

Alleged Breach of
Chinese Laws.

this despatch, has not dared to commit the same to writing in the form of a public document; we trust, therefore, that the prompt and decisive measures which we have considered it necessary to adopt on this occasion, while they serve to convince the Chinese that attempts at intimidation will never succeed in inducing us to swerve from our position, will at the same time convince them of the inutility of protracting the discussion of the homicide, when no point can be gained; and we hope to communicate to your Honourable Court in our next despatch the amicable adjustment of the present subjects of difference.

EXTRACT LETTER from the Select Committee at Canton to the Court of Directors, dated 15th November 1830.

Par. 57. OUR letter under date the 23d October, will have informed your Honourable Court of the cause and progress of our discussions with this Government, and our proceedings consequent thereupon up to that period. The Hong Merchants having informed us that the Viceroy was unwilling to give more than a verbal assurance to a verbal threat, we addressed a letter to him, which will be found upon our Consultations under date the 25th October, stating the threat made use of, and the formal way in which it was conveyed, and requiring from him the strongest assurances that our Factories and our persons were secure.

58. On the 28th, an answer recorded under that date, was brought to the President by the Merchants, who stated that it would be found conciliatory, and to contain the assurance we required of personal protection; they added the strongest assurances, on their part, that no armed force should ever enter the Factories, and that no molestation would be given to English ladies residing in Canton, qualifying this latter assurance, by saying, that although edicts might from time to time be issued, which the forms of office rendered necessary, yet beyond that no molestation would be offered or notice taken; exemplifying their meaning by an allusion to the edicts annually promulgated against the opium ships, which were never intended to be put into execution. On the following morning the letter having been translated, the Committee assembled to take it into consideration. The first question was, whether it contained to the full extent the assurance we had required; the wording of it certainly does not amount to this, and we felt ourselves at liberty either to receive it, and construe it to our purpose in our reply, or to reject it altogether. There could be no doubt it was intended as a peace-offering, and the assurances of the Hong Merchants, not only on the question of the inviolability of our Factories, but as regarded the residence of English females in Canton, convinced us how great had been the impression created by the prompt and decisive measures we had adopted on the justifiable ground of self-defence. The slight allusion to the Parsee question sufficiently showed that that affair was at an end, and that our object to preserve the trade free from interruption had been obtained. The slightest concession on any of the points in dispute, would doubtless, judging from former experience, have been the sure means of involving us in long and harassing discussions, together with the other annoyances which have attended former cases of homicide in this country. After mature deliberation, and for the reasons detailed in our Consultations of the 29th October, to which we beg to refer, we determined to seize the advantages we had gained at the moment of concession, and put an end to these discussions.

59. We therefore formally summoned the Merchants, and informed them that relying on the promises of the Viceroy, and the strong assurances they had given on all the points in dispute, we should answer the Viceroy's letter with as little delay as possible, after which orders would be issued to remove the men and guns to Whampoa.

60. A letter was drawn up to the Viceroy, recorded under date the 29th, and on the 31st October the men and guns were embarked at the Company's stairs opposite the Factory, without the slightest accident having occurred from the time of their arrival to their return to Whampoa.

61. On the 1st November was received the Viceroy's reply, recorded under that date, in which he says, "he assuredly will not admit the principle of moving the military to surround and to expel;" and thus terminated these discussions, which at the commencement threatened to be of long continuance.

EXTRACT LETTER from the Select Committee at Canton to the Court of Directors, dated 15th December 1830.

II.
China Papers.

Residence of
Females ;
and
Sedan Chairs.

Par. 9. IT is with some regret we acquaint your Honourable Court, that we have received a proclamation from the Governor and Hoppo, the language of which is most violent, as directed against Mr. Baynes and the Members of the late Committee. It claims also a right of interference with the servants of the Company in this country, which has in former years been attempted, and effectually resisted. It will become our duty to disclaim this right of interference, and to reply to it in a firm and decisive manner. We may here remark, that in our communications with this Government, it will ever be our study to avoid all intemperate expressions. The language of inflexible firmness and politeness may be united, and we shall always endeavour to assume the first, without allowing the second to sink into humility.

10. An impression, arising out of the late changes, has probably been made on the mind of the Chinese public, that we might be disposed to concede privileges which had been gained ; and as it must be well known to your Honourable Court that concessions in this country often lead to further attempts at encroachment, we shall consider it necessary to make a stand upon the threshold.

11. We consider the proclamation alluded to, and which is recorded on our Public Consultations forwarded by the present despatch, to be a trial on the part of the Canton Government how far we are disposed to yield to its dictation.

12. We are further confirmed in our resolution to pursue the line of conduct above mentioned, by an intimation we have received privately from a native source, but which we have reason to believe to be authentic, that an Imperial Edict, in reply to the representations of the Canton Government on the subject of the proceedings in the past and present seasons, has been received within the last few days. Our informant states the purport of the Edict to be as follows :

“ The said Governor and others are ordered to arrange with liberality, and manage kindly. Respect this.”

13. If this be authentic, it evinces a strong disposition in the Imperial Government to preserve amicable relations with foreigners. We are told that the rebellion in Tartary, and the great anxiety for its suppression, has in some measure created this desire to maintain uninterrupted tranquillity in other parts of the empire. But at the same time, we cannot avoid remarking, that the proceedings of last year appear to have made a considerable impression ; and it must be admitted, as repeatedly demonstrated in the history of our intercourse with this country, that a firm opposition to the encroachments of the Government generally produces a favourable inclination towards us, after the subjects in dispute are terminated.

EXTRACT LETTER from the Select Committee at Canton to the Court of Directors, dated 1st January 1831.

Par. 9. ONE of the Hong Merchants has this morning acknowledged, with a request that his name should not be connected with the acknowledgment, that the Governor had stated that the residence of English ladies in Canton was a “ trifling matter, a very small business,” as he expressed himself. The remonstrances, therefore, which we have received from the Government upon this subject, have, as we have always believed, originated in the suggestions of the Hong Merchants, who have unhappily ever been jealous of the concession of any privileges which add to the respectability of foreign residents. They proceed upon the principle, that the greater the depressed state of foreigners, the less likely is their own responsibility to be involved.

II.
China Papers.
—
Residence of
Females;
and
Sedan Chairs.

10. We feel desirous that the confidential communication from one of their own body should be made known to your Honourable Court, who will naturally be led to conclude, that much greater weight has been attached by the Canton Government to this question, than has been the case.

EXTRACT LETTER from the Select Committee at Canton to the Court of Directors, dated 11th February 1831.

Par. 6. SINCE our arrival at Macao, we have, in the interchange of courtesies with the local Chinese authorities, received from them expressions of their good will and favourable dispositions, which have been evinced on a minor occasion by the removal of the restriction against Chinese being employed as chair-bearers by English residents, which had become a source of much private inconvenience.

EXTRACT LETTER from the Court of Directors to the Select Committee at Canton, dated the 13th April 1831.

Par. 27. UPON the first point, viz. the resort to Canton of European females, we stated in our letter of April 1829, that “we could by no means sanction such a step.” And we accordingly desire you will in future be governed by this decision, a departure from which led to the extreme measures of ordering up a party of seamen, and two carronades, for the purpose of being placed in the Factory, to repel any attempt which might be made by the native authorities to enforce the observance of their prohibitory Edict. Such a course of proceeding might have produced a recurrence of the serious difficulties and embarrassments which had arisen in the preceding season, and that, not for the purpose of maintaining any point essential to the preservation of the important public interests committed to their charge, but to relieve them from a temporary domestic sacrifice, a sacrifice necessarily entailed upon the members of our Factory, in the discharge of the duties imposed upon them by the stations to which they are appointed.

(B.)—PAPERS RELATING TO THE DEATH OF MR. MACKENZIE,
AT CANTON.

II.
China Papers.
—
Death of
Mr. Mackenzie.

EXTRACT CHINA CONSULTATIONS, dated 4th October 1830.

THE President this day arrived in Canton with his family, having left Macao the day previous in H. C. Cutter. On landing, the following letter was delivered to him by Mr. Lindsay. As the three Parsees alluded to were confined in Mr. Lindsay's rooms, the President gave immediate directions for their being sent to Whampoa; and they left Canton the same evening in the Astell's boat, with an order to the commanding officer of the H. C. S. Abercrombie Robinson, to keep them in safe custody until further orders.

To Wm. Baynes, Esq., President, &c. Select Committee.

Gentlemen,

An affray of a very serious nature having occurred in which Captain Mackenzie, commander of the Dutch ship *Vrow Helena*, has lost his life, I consider it my duty to lay the circumstances of the case, as far as they have come to my knowledge, before you.

A little before seven on the morning of the 1st October, Mr. Van Basel, acting Consul for the Netherlands, came to my house and requested me to accompany him to the house of Mr. Bovet, in which Captain Mackenzie was lying dangerously wounded, having been attacked the previous evening by a party of Parsees, servants of Merwanjee Hormajee, who resides in the adjoining Factory.

I forthwith accompanied him to Mr. Bovet's, where we found Captain Mackenzie in a dreadful state, his head being so disfigured by the blows he had received, that scarcely a feature was perceptible. He was still living when I entered the room, but perfectly senseless, and he expired within a few minutes.

The statement of Mr. Bovet and several other witnesses was, that the house had been attacked by a party of Parsees; and that on Captain Mackenzie's going to the door he was knocked down and dragged along the Hong, the Parsees striking him severe blows with iron crowbars.

Mr. Van Basel then addressed me in the following letter, requesting my assistance to apprehend the suspected parties, they being British subjects.

(Translation.)

To H. H. Lindsay, Esq., British Factory in China.

Sir,

In consequence of the assassination which was committed yesterday evening in our Hong by the domestics of Merwanjee, we request you to give us the assistance in your power to endeavour to apprehend the culprits, seeing that the Parsees are under the protection and domination of the English Company.

I have the honour to be, Sir, your obedient servant,

(signed) *M. J. Senn Van Basel,*

Provisional Consul of H. M. the King of the Netherlands.

Canton, 1st October 1830.

Conceiving, from appearances, that a murder of a most atrocious nature had been committed, I felt no hesitation in giving all the aid in my power, and immediately went to Merwanjee's Factory in company with Captain Daniell, the senior Commander in Canton, and several officers and seamen.

Merwanjee himself readily came forward and pointed out three of his servants implicated in the affray, at the same time stating the case very differently from what Mr. Bovet did; namely, that his servants were the party attacked, and merely acted in self defence. Merwanjee willingly committed the three men into my custody, at the same time expressing the most anxious desire that the affair should be thoroughly examined into by any British authority. I accordingly took the three men and placed them in confinement at my own house.

II. During the course of the day an inquest was held at the Dutch Factory, including adjournments, sat till five P. M. on the following day, when ^{they} decision; and shortly after I received the following letter from Mr. Van ^{Basel} enclosing the verdict of the jury.

China Papers.
Death of
Mr. Mackenzie.

To H. H. Lindsay, Esq., &c. &c.

Sir,

The jury assembled to investigate the causes which led to the death of Captain F. Mackenzie, of the Netherlands ship Vrow Helena, having returned verdict, I have the honour to enclose an attested copy of the same, in order as the Representative of the British Factory in Canton, you may take such measures as you may consider the occasion to demand.

The minutes of evidence are in course of being copied, and shall be forwarded to you when completed.

I have the honour to be, &c.

(signed) *M. J. Senn Van Basel*,
The Provisional Acting Netherlands Consul in China.

Canton, 2d October 1830.

(Copy.)

We, the undersigned, a Jury of Inquest summoned by M. J. Senn Van Basel, Esq. Provisional Netherlands Consul in China, for the purpose of inquiring into the causes which led to the death of the late Captain Mackenzie, of the Netherlands ship Vrow Helena, having met on the 1st day of October, and continued by adjournment to this day, after having examined the body, and heard all the evidence adduced, are of opinion, "That the death of Captain F. Mackenzie was caused by blows inflicted upon him by three Parsees, named Nowrojee, Framjee and Samsetjee, (servants of Merwanjee Hormajee), in an affray which took place in the Dutch Hong on the 30th ultimo."

Given under our hands at Canton, this 2d day of October, in the year of our Lord 1830.

(signed)	<i>John Macvicar</i> , Foreman.	<i>Thomas Fox</i> .
	<i>Samuel Russell</i> .	<i>Lan^t Dent</i> .
	<i>Eugenio de Otadin</i> .	<i>G. Parkyns</i> .
	<i>Charles N. Talbot</i> .	<i>P. Ammidon, jun.</i>
	<i>T. H. Graham</i> .	<i>J. R. Latimer</i> .
	<i>William Pigott</i> .	<i>William T. Spawforth</i> .

(For a true Copy.)

The Principal Acting Netherlands Consul,
(signed) *M. J. Senn Van Basel*.

Conceiving that the terms of the verdict, which states that the death of Captain Mackenzie was caused by blows inflicted upon him "in an affray," entirely to exculpate the men accused from any act of wilful premeditation, and all the information I had collected on the subject tending to satisfy me that they were not the originators of the affray, I did not conceive it necessary to detain them any longer in custody; I therefore sent for Merwanjee, and having obtained from him a written promise, signed by himself and Framjee Pestonjee, one of the most respectable Parsee Merchants in Canton, that the three men should be produced before the Select Committee on your arrival at Canton, I liberated the men from their confinement.

On the morning of the 4th of October the Merchants called on me, and Howqua delivered to me two chops, one from the Viceroy, and the other from the Nam hoy, relative to this affair. The purport of these edicts was to direct the men who committed the deed to be kept in strict confinement, and await the Viceroy's decision. Thinking it probable, from this interference on the part of the Chinese Government, that they might endeavour to assume a right to take cognizance of the case, I considered it the best plan that the three men should again be taken into custody, and there remain until your arrival.

I therefore

AFFAIRS OF THE EAST INDIA COMPANY.

heretofore sent to Merwanjee, and he instantly brought the three men with him, and I placed in confinement, as before, in my house.

Then, at the request of Howqua, explained, to the best of my knowledge, the circumstances which led to the affray, which he took down in writing, and told me I should directly send it to the Viceroy. The following is the substance of the narration I gave :

Mr. Mackenzie.

The following is the substance of a Chop sent in by the Merchants, October 4th, 1830 :

Mr. Bovet ordered a private lock to be put on the back door of the Dutch Hong, which is a public door for all inmates of the said Hong. Merwanjee, wishing to go out, asked for the key, which was refused. Merwanjee sent a second time a European clerk, and was again refused. He then ordered three of his servants to break the lock. Mr. Bovet then came with a sword, and attacked them. The Parsees wrested the sword out of his hand. Mr. Bovet ran away, crying out for help. Captain Mackenzie, hearing the noise, came out to assist, and struck one of the Parsees with his umbrella. The Parsees then struck him on the head with wooden clubs, or sticks. At 7 A.M. next morning he died of the wounds received. The three men are in confinement at the British Factory, waiting the arrival of the Chief, who will, on his arrival, direct the case to be clearly investigated.

The Factory having this morning arrived in Canton, I take the earliest opportunity of laying these circumstances before your Board. The facts, as stated by me to the Merchants, contain an outline of the case, which will be more clearly explained to you when you are in possession of the evidence taken at the inquest ; I must however remark, that Mr. Bovet's previous behaviour had been such, on various occasions, as to make it the subject of general conversation ; and only a few days previous to this fatal event, a remonstrance was, to my knowledge, made to the Hong Merchants, stating that, unless some means were adopted to prevent his violent and unreasonable conduct, apprehensions were entertained that it must eventually lead to some serious affray.

I have the honour to be, &c.

Canton, October 4th, 1830.

(signed) *H. H. Lindsay.*

To the Commanding Officer of the H. C. ship *Abercrombie Robinson*.

Sir,

THE bearer of this letter will deliver into your charge three Parsees, whom I hereby direct you to keep in safe custody until further orders.

I do not wish that any unnecessary severity should be exercised in confining these men beyond what may be required to prevent their escape, against which every precaution must be taken.

Canton,
4th October 1830. }

I remain, &c.
(signed) *Wm. Baynes.*

EXTRACT CHINA CONSULTATIONS, dated 5th October 1830.

THE following Letter, enclosing the depositions taken in consequence of the death of Captain Mackenzie, was received from Mr. Senn Van Basel, the provisional acting Netherlands Consul.

(Translation.)

To William Baynes, Esq., Chief for all British Affairs in China.

Sir,

WE have the honour to remit to you an attested copy of all the depositions made during the investigation on the death of Captain Mackenzie, and upon which the jury gave their verdict, which we had the honour to send to Mr. Lindsay on the 2d instant during your absence.

We take this opportunity to tender our thanks for the assistance we have received from Mr. Lindsay whilst acting on your behalf, and for his offer to give us every assistance in his power during the investigation of this unfortunate affair.

We have the honour to be, &c.

(signed) *M. J. Senn Van Basel,*
Prov^l Netherlands Consul in China.

APPENDIX TO REPORT ON THE

The following Documents were received from the Merchants.

The Merchants concerning Captain Mackenzie.

Mr. Mackenzie.

A RESPECTFUL communication concerning the Dutch Captain Ma-kun-che (Mackenzie) having been wounded to death. We have at present received an order from the Viceroy, commanding us to examine and report, and also to communicate the order to you, gentlemen. Accordingly we now take a copy of the Governor's order, and send it to you, hoping that you will examine and act in accordance with it. This is the burden we impose on you. We specially make this communication, and with compliments subscribe ourselves.

To Messrs. Baynes, &c.
8 m. 17 d.

(signed) *Howqua.*
Mowqua.
(12 Names.)

From Governor Le respecting the death of Captain Mackenzie,
dated 2d October.

Le, Member of the Military Board, Governor, &c. to the Hong Merchants,
for their full information :

Or led forth.

ON the 16th day of the 8th moon of Taou Kwang, Wän-che-hwäng, the Foo-tseang of Khang Chow-hië, reported that Fan-ting-yew, the Tseintsung, at the Se-kwan guard house belonging to the Left Battalion, had officially stated to him that Hwang-teen-gan, a street soldier, had informed him that on the 15th of the present month, at the Dutch Foreign Factory, No. 4, a Dutch Captain Ma-keen-che (Mackenzie) had an altercation and angry quarrel with the Parsee Supracargoes Feilun (Fearon), Malowmangee (Merwangee), and others. Feilun and the others headed * some foreigners with sharp weapons, with which they stabbed and wounded Mackenzie's head and body, which caused his death. The Supracargoes of the several nations immediately secured the murderers. It is now intended to send them back to their own country, to be tried, &c.

Thus the affair was stated to the Tsein-tsung, who stated it to me, who hold the mean office of Foo-tseang, and I write the facts, and lay the affair before your Excellency.

Thus the affair came before me, the Governor, and on examination, I find that foreigners in China causing the death of foreigners, have for a long time past always been reported by the Hong Merchants to the Heen Magistrate, that he might examine the body, and report to all his superiors, that they might manage according to the facts.

Or murderers.

Now in the foreigner Mackenzie's case, how the bloody quarrel originated, how he was wounded, and his death caused, has not been reported by the said Hong Merchants. An order is hereby issued to them, requiring them immediately to examine distinctly into the origin of the quarrel, why the Dutch Captain, Mackenzie had an altercation and angry quarrel with the Parsee Supracargoes Feilun, Malowmangee and others, so that they wounded and caused his death; also what the name and surname of the murderer † is, and send back a true report, that having proof, the affair may be managed.

Moreover, as to the murderer in custody, direct the said nation's Chief to keep him under a severe and strict guard, and wait for our management of the affair. Oppose not. These are the orders.

Taoukwang, 10th year, 8th month, 16th day.

We deem it an act of justice to state, that the criminal charge preferred against Mr. Fearon, who is represented in the foregoing report to have headed the assailants in the late disastrous affray, is totally groundless. The testimony of every witness examined at the Netherlands Consulate acquits Mr. Fearon of all participation in the quarrel; and subsequent inquiry leads us to believe that the Chinese soldier who sent in to his superiors the first official narrative, received his information from Mr. Bovet.

Pwan,

Pwan, the Nanhac Magistrate, concerning Mackenzie's death, dated October 4th; received 5th, 1830.

China
—
Death
Mr. Mackenzie

PWAN, Nanhac Heen, &c. hereby issues orders to the Hong Merchants, for their full information. It appears on record that at the Dutch Foreign Factory, a Dutch Captain, Mackenzie, had an altercation and angry quarrel with the Parsee Supra-argoes *Feilun* and *Malowmanche*. Feilun and the others led* forth foreigners, bearing sharp weapons, with which they stabbed and wounded Mackenzie's head, and caused his death.

Yesterday† was received a notification from the Governor, saying, that in cases of foreigners causing the death of foreigners, the practice for a long time has been, that the Hong Merchants should report to the Heen that he might examine the body, and report to all his superiors, that they might manage according to the facts; but on the present occasion the Hong Merchants have not reported how the bloody quarrel arose, in which the foreigner Mackenzie was wounded and killed. Let the Heen immediately command (the Merchants) to examine clearly into the subject, and make a general report. At the same time, let the Heen examine the body of the foreigner, delineate on paper the situation of his wounds, and report to all the superior officers, that they may examine into the facts.

At that time I issued orders to the said Merchants to obey accordingly, but from that time to this they have not yet presented a petition requesting an examination of the body, which very much indicates a trifling with the subject.

On examination it appears that foreigners, when in this country they commit crimes, it is right that they should implicitly obey the orders of the Government of the Celestial Empire, and await for examination and management. How can they be allowed to indulge in obstinate opposition.

On search being made, it is found that in the 45th year of Keen Lung (A. D. 1780), there was one Lewshe, a French foreign sailor, who being drunk, and having quarrelled with his companion *Akeala*, took a knife and killed *Akeala*. He fled, and hid himself, but was taken. In that case the report was made by the Hong Merchants to the Heen to examine the body, interrogate the witnesses, and report to his superiors, for their management.

Searching further back, there have been several cases in which foreigners have killed foreigners, and heretofore they have all been managed thus. In this case the affair is the same in law, and doubtless should be managed in the same manner.

I now write the above circumstances, and send a copy of the Edict to the said Hong Merchants for their obedience, that they immediately make themselves clearly acquainted with the recorded cases, and make an accurate inquiry into the causes how the bloody quarrel arose, in which he was wounded and killed; also where the corpse now is; whether it be interred or not? What the name and surname of the murderous foreigner‡ is? Whether or not he has been taken? Let an immediate and true answer be sent to these questions, that I, the Heen Magistrate, may, having proof, examine the body, interrogate the parties, and report to superior officers. Oppose not. A special Edict.

Appended is a report made to the Emperor in the case of Lew-she killing *Akeala*.

Taou Kwang, 10th year, 8th month, 18th day. (Oct. 4th, 1830.)

Mackenzie's Case.

A report made by Keolopa, the then Governor of Canton, to His Imperial Majesty Keen Lung, in 45th year, being A. D. 1780-1, 12th moon, 24th day.

KEOLEPA, Member of the Military Board, Governor of Canton, &c. issues this document to inform the Honourable Fooyuen, the Tetuh, and the Hoppo, concerning certain affairs.

On the 24th day of the 12th month of the 45th year of Keen Lung, I united

* This phrase denotes in the original, acting as a leader or commander to a party.

† Or, the other day.

pers.
a of
ckenzie.

with the Honourable the Fooyuen Le, in presenting a respectful memorial to His Majesty (of which the following is a copy).

A memorial for the purpose of giving, or causing to be *heard* (by the Emperor) a certain business.

We humbly consider that Canton is the general resort of foreign ships, which have heretofore all remained at Whampoa, being there anchored.

A French foreigner, Lewshe, and a Portuguese foreigner, Akeala, acting as sailors on board a Hungman * ship, came to Canton. On the 11th day of the 10th moon of the 45th year of Keen Lung, in the afternoon, they went to Efung Hong in quest of a Portuguese supracargo, Melanta, to be employed as sailors. In consequence of Melanta having gone to Macao, one Pingtoo, a Portuguese third supracargo detained them for the time being in the Hong. That night both of them slept in the same room. Akeala said to Lewshe, that when he went to buy things in the shops he was in the habit of stealing, and ridiculed his worthlessness. Lewshe also reproached the other with stealing things, till at last they came to angry strife, and Akeala took out a knife he carried about him, and scored Lewshe a wound on his right jaw. Lewshe turned round and wished to run, when he further received two slashing wounds on his left side behind. Lewshe's passion being excited, he drew his knife to defend himself, and gave two slashing wounds to Akeala on his right side, from which he immediately fell and expired.

The Hong Merchants reported the occurrence to the Nanhæ Magistrate, who examined clearly the wounds on the dead body, and ordered the French Chief to deliver up Lewshe to be interrogated. In his evidence he acknowledged, without denial the preceding circumstances, and Lewshe was sentenced to be strangled. This being reported to the higher authorities, we again examined and found that in the 25th year of Keen Lung, a Dutch sailor, Weilim Peetse, being in China, with a knife slashed to death Keet-che Na, a foreigner. Le, a former Governor, in accordance with foreign laws, forthwith put him to death on board the ship where he committed the offence, and so concluded the affair, as is on record.

On the present occasion, the French sailor, Lewshe, caused the death of the Portuguese foreigner Akeala. The circumstances and the crimes were the same, and it is therefore right to act in imitation of the precedent. We, therefore, on the 19th day of the 11th moon, deputed the Footseung of the Middle Battalion, Yung-gan, and the Tsantseang Metoze jin, together with the Le teen pei, the Che-foo of Kwang Chow, and Seu-yu-fan, the Nan-hæ-Heen, to summon altogether the respective foreigners (or heads of companies), to take the murderous foreigner, Lewshe, to the front of the Efung Hong, the place where he had committed the offence, and in the sight of all equally, according to law, using a cord, squeeze him to death, in order to illustrate the laws of the nation.

The acting Judge, Chinshing-tsoo, prepared in order the confessions, and reported them to us. Beside informing the Supreme Board of these confessions, we now unite the circumstances and reasons of our proceedings, and report them to the throne, prostrate, begging that the Emperor over all will, with his intuitive wisdom, direct the Board to examine and conform and concede, that it may be done. Reverently reported, &c.

Now on the 21st of the 3d moon of the 46th year of Keen Lung, being on the road at Yaechow, the Vermilion reply has been received, saying,

“ Let the appropriate Board know it. Respect this.”

Uniting these circumstances, we forthwith by letter inform the appropriate Sze, that he may meet with the Pooching Sze, and transmit the order to be reverently obeyed, examined and acted on without opposition.

One letter to be sent to the Fooyuen, another to the Tetuh, and a third to the Hoppo, who are all styled Honourable.

Keen Lung, 22d day, 3d moon, 46th year.

* Hungman, “ red bristled,” was formerly an appellation of the Dutch ; latterly, it has been distinctive of the English.

the Pwanyu Magistrate, concerning Captain Mackenzie's death. October 4th; received October 5th, 1830.

the Pwanyu Heen, issues this for the purpose of transferring the commands hereto, that obedience may be paid thereto.

On the 18th day of the 8th moon of the 10th year of Taoukwang, I received from yuen a document, and opening it found it as follows:

On the 16th day of the 8th moon of the 10th year of Taoukwang, Wán-tung, the Show-foo-tseang of Kwang-chow-ching, stated that Fan-ting-yew, a soldier at the Se-kwan guardhouse, belonging to the Left Battalion, had told him that Kwang-teen-gan, a street soldier, had informed him, that on the 14th of the present month, at the Dutch Foreign Factory No. 4, a Dutch Captain, Me-keen-che (Mackenzie), had an altercation and angry quarrel with the Parsee Supracargoes Feilum, Malowmangee and others. Feilum and the others headed * some foreigners with sharp weapons, with which they stabbed and wounded Mackenzie's head and body, which caused his death. The Supracargoes of the several nations immediately secured the murderers †. It is now intended to send them back to their own country to be tried, &c.

II
China Pers.
Death of
Mr. Mackenzie.

* Or led forth.

† Or murderer.

"Thus the affair came before me, the Foo-yuen, and accordingly I, besides passing it to the Gawchaze, that he might transfer my orders and enjoin obedience thereto, unite the above circumstances, and send this prepared document to the Heen magistrate, that he may forthwith, in obedience hereto make haste, and in company with the Nan hae Heen, take the Linguist and the official Examiner of dead bodies, belonging to the Criminal Office, and go and take Mackenzie's body, and immediately examine it, delineate on paper the situation of his wounds, and report to all the superior officers. At the same time, let them examine clearly how the foreigners Feilun and the others commenced the bloody quarrel and angry strife, and led forth the foreigners, who with sharp weapons stabbed and wounded Mackenzie so that he died; and also what are the names of the murderous foreigners; and let them the same day write out the evidence, and examine according to cases that have formerly taken place; consult together, and report to all the superior officers, that they may manage according to the facts, &c.

I, the Pwon yu Hein, having received this, besides sending it to the Nan hae Heen, that he may accompany me to examine the body, also unite the above circumstances, and forthwith issue an order for your information. When the order reaches you, the Hong Merchants Woo-show ‡, Chang and the others, make yourselves fully acquainted with the subject, and immediately communicate the order to the Linguists, that they may go to the Dutch Foreign Factory and order the body to be delivered up; and then wait till I in company with the Nan hae Heen arrive personally to examine it. Do you the said Merchants also examine clearly what are the names of the murderous foreigners §, and the causes whence the bloody quarrel originated, and report back again. Oppose not. A special Edict.

‡ Howqua, jun.

§ Or foreigner.

Taoukwang, 10th year, 8th moon, 18th day. (October 4th, 1830.)

EXTRACT CHINA CONSULTATIONS, 6th October 1830.

WE write the following letter to Mr. Van Basel, acknowledging the receipt of his address recorded under date the 5th instant.

To M. J. Senn Van Basel, Esq., Provisional Netherlands Consul in China.

Sir,

WE have the honour to acknowledge the receipt of your letter enclosing a copy of the depositions taken during the investigation held at the Netherlands Consulate, upon the death of Captain F. Mackenzie, Commander of the Dutch ship Vrow Helena.

We shall take into consideration the circumstances attending this melancholy affair without delay.

We have the honour to be, &c.

Canton, 6th October 1830.

Signed by the Select Committee.

41.
 China Papers.

 Death of
 Mr. Mackenzie.

EXTRACT CHINA CONSULTATIONS, 7th October 1830.

THE Committee assembled to take into consideration what measures it might be proper to adopt in consequence of the unfortunate death of Captain Mackenzie, three British subjects being implicated in the affair.

The Committee, after having perused with attention the depositions taken before M. Sen Van Basel, were unanimously of opinion that any further examination of witnesses by them would be unnecessary and impolitic. In the present case, the verdict of an English jury would probably be that of manslaughter; but were it even a case of murder, we have no authority to institute judicial proceedings; and no difference of opinion can exist as to the extreme impolicy of allowing the Chinese Government to interfere where their own countrymen are not concerned.

Although, judging from the documents previously recorded, it would seem that the Chinese Government does in principle take cognizance of the acts of foreigners among themselves; yet the indifference evinced by the Hong Merchants, and the documents being addressed generally to the foreign nations' Chiefs, would incline to the belief, that in practice it cares little to interfere. Unfortunately, however, any disturbance in which foreigners are engaged is almost sure to afford a rich harvest to many of the officers of this corrupt government, who in consequence are ever on the watch to take advantage of any opportunity to exact from the Hong Merchants. Casual interruptions to the trade injure not or involve the authorities of Canton; and it is only when the stoppage of commercial transactions is lengthened to a period which interferes with the collection of the imperial duties that they are alarmed for the consequences. It should be the great object of the Company's representatives in this country to impress upon them the idea, that interruptions and annoyances when once commenced are not so easily or quickly arranged, and above all, to inculcate the maxim, that though the trade may have its advantages, these will never be purchased, by Englishmen at least, at the price of national disgrace. Submission to insult has shown the Chinese how valuable is the trade, and they have acted accordingly, in too many instances, in interrupting and annoying it; and hence perhaps has originated the erroneous supposition, that to them the trade is a matter of indifference. The Committee are prepared to act with decision, but are unwilling to be dragged into the business, and consider it their duty to keep as much in the back ground as possible until compelled to take a part; but in regard to the three Parsees, the best course appears to be to send them by the first opportunity to Bombay. After they are out of the country, the Viceroy must see the difficult situation in which he places himself in prolonging a question and taking up a position from which he must recede, should he demand the surrender of the culprits. As copies of the above documents have been received by Mr. Sen Van Basel, and as he has in the first instance instituted the investigation, we shall leave to him the task of replying to the inquiries of the Government. It is proper to observe, that Mr. Sen Van Basel, in the interviews he has had with the President on the subject, has testified his concurrence in the measures proposed to be adopted by the Committee in sending the Parsees to Bombay, and that no wish has been expressed by him of having them delivered over to the Chinese laws.

It is resolved, therefore, to send the three Parsees to Bombay by the ship Edmonstone, now on the eve of departure, together with the depositions taken before the Netherlands Consul, for the full information of the Honourable the Governor in Council. Copies of the depositions we shall transmit to England, numbers in the packets of the Honourable Company's ships Thomas Coutts and Duchess of Athol. In searching the records for precedents, the Committee perceive, in the Consultations of the 14th December 1780, that precisely the same view was taken by the Select Committee of that period as to the dangerous precedent of allowing the Chinese Government to interfere in cases of homicide where their own subjects are not concerned. As the case appears somewhat similar, the extract is now recorded.

Extract from the Diary of Consultations, &c. for the year 1780.

Following is the case referred to by the Governor of Canton in his Edict
Captain Mackenzie's death :

Some time ago a French seaman belonging to the Success galley country ship
Portuguese sailor belonging to the Stormont, in one of the merchant's
The man took refuge at the French Consul's, where he remained for many
at last was given up to the Chinese, and was this morning publicly
by order of the Fooyuen. This is the first instance of one European
executed for the murder of another, and appears to be a very dangerous pre-
cedent, as it may involve Europeans in inextricable difficulties, if even by accident
they should kill another. The man executed to-day could have no trial of
justice. The affair happened between him and the deceased in Seunqua's
night, nobody knowing of the quarrel till the Stormont's man was killed ;
I do not understand that the Chinese Government took any means in their
power to find out the truth. Foreigners are not here allowed the benefit of Chinese
law, though in this instance one of them suffers by the rigour of them, nor have
they any privileges in common with the natives. They are governed merely by
the will of the Mandarins for the time being declare to be their will ; and the
reason why so few inconveniences happen from irregularities is, that the officers of
Government on such occasions rather choose to exact money from the Security
Merchants, Compradores, &c. than use rigorous methods, by which they gain
nothing ; their corruption therefore in part is the foreigner's security."

II.
China Papers.

Death of
Mr. Mackenzie.

EXTRACT CHINA CONSULTATIONS, October 10, 1830.

BY the Edmonstone, bound for Bombay, we direct our Secretary to write the
following letter to Mr. Secretary Newnham :

To William Newnham, Esq. Chief Secretary to Government, Bombay.

Sir,

Par. 1. I AM directed by the President and Select Committee to make known
to you, for the information of the Honourable the Governor in Council, the fol-
lowing circumstances which have lately occurred in Canton.

2. On the evening of the 30th September an affray took place in what is called
the Dutch Hong in Canton, in which a Captain Mackenzie, commander of the
Dutch ship Vrow Helena, lost his life in consequence of wounds inflicted by
three Parsees, by name, Nowrojee, Framjee and Jamsetjee, servants of Merwanjee
Hormajee, a Parsee Merchant, residing in Canton.

3. This affray appears to have originated in a misunderstanding, in consequence
of a Mr. Bovet, a Swiss, by profession a watchmaker, who resides in the same Hong
with Merwanjee Hormajee, arrogating to himself the right of keeping possession
of a key, and by that means closing a public way leading into the street. It appears
that Merwanjee Hormajee sent several times to demand this key, which demand
not being complied with, he directed his servants to break the lock, which they did.
Mr. Bovet hearing what was going on, ran out with a sword, which he attempted to
draw on the three Parsee servants above mentioned, and on the sword being wrested
from him, ran away, crying " Murder," which Captain Mackenzie, who resides in
apartments in the same Hong, hearing, came out to his (Bovet's) assistance, and
struck with an umbrella the Parsees, who then fell upon him, and with the sticks
with which they had forced the locks inflicted the wounds, of which he died on the
following day.

The first official intimation the Select Committee received of this unfortu-
nate occurrence was a letter from Mr. Senn Van Basil, the Provisional Netherlands
Consul, inclosing a certified copy of the depositions taken in the investigation he
submitted into the circumstances of the death of Captain Mackenzie.

On the receipt of these documents the Committee lost no time in assem-
bling, and took into consideration the measures it might be proper to adopt in conse-
quence of three British subjects being implicated in the affair.

The Honourable the Governor in Council is no doubt aware of the pecu-
liar situation in which the representatives of the Honourable Company and the
British nation are placed in this country, without authority to act judicially, or

II.
China Papers.

Death of
Mr. Mackenzie.

even perhaps strictly speaking to administer an oath, which could be received as evidence in an English court of justice; the uncertainty that exists whether any or what notice would be taken by the Chinese Government of the acts of foreigners where death occurred, added to the difficulties of the situation in which the Representatives of the Company found themselves placed. For, should the Chinese authorities have demanded the surrender of the Parsees, for the purpose of being tried by the sanguinary law of this empire, the President and Select Committee clearly perceived the impossibility of a compliance; and after giving the subject mature deliberation, no other course appeared open to them but that of removing the Parsees from Canton as soon as possible, and sending them by the first opportunity to Bombay, with all the evidence transmitted to the Select Committee by Mr. Senn Van Basil.

7. In consequence, the three Parsees, Nowrojee, Framjee, and Jamsetjee, have been sent on board the country ship Edmonstone, with orders to the Commander to carry them to Bombay, and to detain them on board until he has received instructions from the Honourable the Governor in Council on the subject.

8. The President and Select Committee do not consider themselves competent to give an opinion as to the nature of the crime which by the laws of England would attach to the Parsees in question, but consider it their duty to observe that the conduct of Mr. Bovet, in taking possession of a key, to which he had no right, and in attacking the Parsees with a sword (which facts are undisputed), has excited in this community a strong feeling of indignation against him, which is perhaps heightened by his well known quarrelsome disposition, and from his having been the indirect cause of the death of an innocent man in the person of Captain Mackenzie.

9. I have the honour to enclose a copy of the letter received from Mr. Senn Van Basil, together with the depositions referred to, and remain,

Sir, &c. &c.

Canton, }
11th October 1830. }

(signed) *George Best Robinson,*
Acting Secretary.

EXTRACT CHINA CONSULTATIONS, dated 12th October 1830.

IN pursuance of the resolution adopted in the Consultation October the 7th, we direct our Secretary to write the following Letter to Captain Hadley, ordering him to receive the three Parsees on board his ship:

To Captain Hadley, Commander of the Country Ship Edmonstone.

Sir,

I AM directed by the President and Select Committee to request that you will take charge of the three Parsees, named Nowrojee, Framjee and Jamsetjee, prisoners on board the Honourable Company's ship Abercrombie Robinson, and convey them to Bombay, where you will be pleased to await the instructions of the Honourable the Governor in Council for their future disposal. I am also directed to desire that the accompanying Despatches may be delivered to the Secretary to Government on your arrival at Bombay.

I am, &c. &c.

Canton, }
12th October 1830. }

(signed) *George Best Robinson,*
Secretary.

Our Secretary is likewise directed to write the following Letter to the commanding officer on board the Honourable Company's ship Abercrombie Robinson:

To the Commanding Officer on board the Honourable Company's Ship
Abercrombie Robinson.

Sir,

I AM directed by the President and Select Committee to direct that the three Parsees, named Nowrojee, Framjee and Jamsetjee, prisoners on board the Abercrombie Robinson, be delivered to Captain Hadley, Commander of the country ship Edmonstone.

I am, &c. &c.

Canton, }
12th October 1830. }

(signed) *George Best Robinson,*
Secretary. {

II.

China Papers.

Death of
Mr. Mackenzie.

To the Merchants, by Pwan the Nan-hae-Heen, on the case of Captain Mackenzie's death; dated 11th October, received 12th, 1830.

PWAN, promoted by Imperial Order, hereby issues an Order to the Hong Merchants for their full information.

It is substantiated that these Merchants have presented a petition, in which they say,

We have humbly and respectfully received your Benevolence's official Order, on opening which we find it stated—[Here follows a Copy of No. 2, before translated.]

On receiving this we, the Hong Merchants, in obedience thereto, immediately instituted an inquiry into the several topics. It is authenticated that the Dutch Flag-keeping Chief, Fan-pa-shin, said verbally, on the 15th of the 8th moon, having heard that Captain Mackenzie had been wounded, and died, we immediately assembled outside nation's Foreign Merchants. Twelve persons, all having sworn that they would investigate according to the truth, examined the body, and found that the wounds had been inflicted on the forehead and other places with wooden bludgeons, and that he had died in consequence of the wounds. They strictly inquired who inflicted the wounds, and found that they were not natives of this country, but Indian white-head (Parsee) foreigners, Fa-lan-che, Now-loche, Yans-ayche, three persons, who, with a wooden bludgeon, thrashed and wounded Mekeenche, and caused his death. The three murderers, foreigners, have been apprehended. These murderers, foreigners, Fa-lan-che, Now-loche and Yans-ayche, were delivered over to the English Company's Chief, to be kept under strict custody till they are sent to their country, to be justly tried according to foreign laws. As to Makeenchie's body, it was by the foreigners confined on the 15th of the month, and sent to Whampoa in a foreign boat, where it was interred. It is earnestly entreated that opening the coffin and examining the body may be dispensed with, and the foreigners will be very grateful. Thus the affair came before us, the Hong Merchants; and we immediately went to the English Foreign Factory to inquire, and found that the said murderers, foreigners, Fa-lan-che, &c. three in number, had been sent down by the English Company's Chief to Whampoa, on board a foreign ship, where they were kept in close custody. Uniting these circumstances, we report distinctly, in reply to the order we received to examine into the facts, &c. I, the Nan-hae-Heen, find that in cases of homicide it is absolutely necessary to examine clearly the wounds on the body, and to investigate clearly how the bloody quarrel arose; also who struck first, and who afterwards, who was the principal murderer, and who accessory; then a discrimination may be made, and the crime decided on. It is never the case that the wounds on the body should remain unexamined, nor who commenced the bloody quarrel should remain uninquired into, nor who was the person that inflicted such a wound. Thus the business may be managed. Further, it is found that a long time past, repeatedly, when foreigners caused the death of foreigners, the Hong Merchants reported to the Heen Magistrate to examine the body, interrogate the parties, report to the superiors, and manage. In this case the affair is the same, and ought to be managed in the same manner.

How the Dutch Flag-keeping Chief, Han-ba-Shin, has not inquired clearly into the causes of the bloody quarrel, nor stated who inflicted the blow in such a place, nor who struck previously, and who afterwards, nor pointed out all the circumstances minutely, but abruptly requests that an examination of the body may be dispensed with. This is very wrong.

And the murderers being natives of a dependency of England, the said nation's Company's Chief, in refusing to speak on the subject, has acted still more improperly.

Writing these things, I hereby issue an order to the Hong Merchants to transmit immediately my orders to the English Company's Chief, and the Dutch Flag-keeping Chief, to inquire instantly into the causes of the bloody quarrel, what person used what thing, and inflicted a wound in what place; also, who previously and who afterwards struck the blows. Let these circumstances be stated in reply, and according to the laws of the nation, to who it is that determines the crime on this kind of murderous foreigners; that having proof, I may repair in person to

II.
China Papers.

Death of
Mr. Mackenzie.

examine the body, discriminate and manage, according to the facts. Do not indulge in confused reservations, for doing so will involve you in serious guilt. Hasten! Hasten! A special Edict.

Taoukwang, 10th year, 8th moon, 25th day.

EXTRACT CHINA CONSULTATIONS, the 13th October 1830.

WE have this day received from the Merchants the following Edict from the Quanchow Foo, relative to Captain Mackenzie's case.

Governor Le, by the Kwanchow Foo, requiring the body of Captain Mackenzie to be delivered up to the Chinese by the Dutch, and the three murderers by the English. Dated October 12th 1830, received 13th.

Hoo, the Kwanchow Foo, to the Hong Merchants.

ON the 25th of the 8th moon, of the 10th year of Taoukwang, respectfully was received an official document from Le, Governor of Canton, &c. It is proved by papers on record, that the Kwanchow Lee reported concerning a Dutch foreigner, Mekeenchee.—[Here follows a copy of the soldier's report before translated. Next the orders the Governor gave to the Hong Merchants, already translated.]

On examination it is found that for a long time past foreigners being in this country and causing the death of foreigners, in every case the local officers have interrogated the parties, examined the body, and reported to their superiors. The murderers, though in this country, were punished according to foreign laws.

In the present case the Dutch foreigner was killed by an Indian foreigner. India is under the Government of the English; it is therefore right to order the said nation's Company's Chief to take the murderers, foreigners, and deliver them up for trial and judgment.

That which the Kwanchow Lee stated in his report, that all the Chiefs wished to send the party back to their own country to be prosecuted, is contrary to old regulations, and decidedly cannot be allowed.

Beside directing the Nan-hae-Heen to command forthwith the Hong Merchants to communicate it authoritatively and distinctly to the English Chief, that he must examine and conform to the old cases in law, and hasten to take the murderers, and investigate clearly who was head, and who followers, and on the same day deliver them up and wait for our management according to the repeatedly recorded precedents.

The Celestial Empire's laws and regulations decidedly will not endure the least opposition. When the murderers, foreigners, are delivered up, let the said Heen immediately report for investigation.

Uniting these things an order is hereby issued to the said Foo, to take under his direction the said Heen, and manage safely and swiftly, and without opposition, &c.

On the same day was further received from Le, the Governor of Canton, a document as follows:

[Here the soldier's first report, and the order to examine the body are repeated.]

But up to this day no examination or report has taken place. It is found that heretofore foreigners in this country causing the death of foreigners, it has always been the case that the remains were examined by the local officers. Now, in the present case, the affair should be managed according to old precedents. It is impossible to allow foreigners to indulge in procrastination.

Let the Nan-hae-Heen immediately communicate orders to the Hong Merchants and Linguists to ascertain where the confined body is, and order the Dutch foreigner to deliver up the body to be ready for examination. Let the said Heen make haste, and report back that having proof a Weiynen may be deputed and join the others, and go to examine the wounds on the body, and report generally to superior officers, that they may manage according to the facts. The case compromises the laws of the Celestial Empire, and it must not be presumed to disobey

obey. How can it be permitted to the said foreigners to act as they please, and when an inquest should be taken, not take an inquest. The said Heen must not again delay; he will thereby incur guilt.

An order is also hereby sent to the said Foo, to take the lead of the said Heen, and immediately examine clearly, and give orders to deliver up the confined body, and to wait till a Weiynen be deputed to join the party and examine the remains. No delay is allowed. Hasten! hasten!

This coming to me Kwangchow Foo Tse [he here reiterates the orders of the preceding without any additional remark, except a threat that disobedience will involve the parties in great guilt.]

II.
China Papers.

Death of
Mr. Mackenzie.

EXTRACT CHINA CONSULTATIONS, dated 18th October 1830.

To his Excellency the Viceroy of Canton.

WE have received from the Merchants your Excellency's Letter, demanding the surrender of three Parsees, British subjects, who were implicated in the late affray in the Dutch Hong, in which Captain Mackenzie lost his life.

We have to inform your Excellency that the three men in question have been sent to Bombay to be tried by the laws of England; and if, on examination, it shall appear that they were not the aggressors, that they were first attacked by a person with an offensive weapon, a sword, it will operate very strongly in their favour, and their punishment will not be so severe as it otherwise would have been. The Dutch Chief, under whose protection the deceased was, has sent us the depositions taken in evidence before him, which we have transmitted with the Parsees to Bombay. By this evidence it appears that a person residing in the Dutch Hong, took possession of a key, and stopped up a public way; that on these Parsees attempting to break the lock, they were attacked by a person with a sword, who then ran away; Captain Mackenzie hearing the disturbance, came up at the moment, and with an umbrella struck the men, who thereupon, it being dark, returned the blows of which he died. The Dutch Chief has not complained of our having sent the men away; there is no one who petitions; of what use is it therefore to lengthen discussions without an object, for the men are gone; why disturb the remains and repose of the dead, which are held so sacred in all civilized countries; the surgeons have examined and disfigured the body; how then can the wounds be discovered? We pray your Excellency to give orders that the body be not again disturbed, a ceremony so revolting to all foreigners.

We have thus given your Excellency a statement of the affair, which is in accordance with evidence we have received, and hope your Excellency will there let the matter rest. If the men, by the laws of England, are found guilty, they will most assuredly be punished.

Signed by the President.

EXTRACT CHINA CONSULTATIONS, 20th October 1830.

THE Committee having assembled to meet the Hong Merchants, Howqua proceeded to speak to the following purpose, having, in the first place, particularly requested that all he said should be taken down in writing:

"Yesterday all the Hong Merchants waited on the Viceroy, who told us that the Committee had sent in a chop the previous day, stating that the three Parsees demanded by Government were gone away, and cannot therefore be delivered up for trial.

"The Viceroy says, that this proceeding is in opposition to the Chinese laws, and cannot be suffered. The demand for the three guilty men is not founded upon any new law. A similar demand was made by the Government in the 45th year of Keen Lung (1780). It is the ancient law, no new regulation of the present Viceroy. If the men were not now demanded, hereafter there would be no restraining law. The strongest foreigner would destroy the weaker.

"The Viceroy is desirous to show reason. When a man is murdered in another Province, Keangsye for example, the Governor of Canton cannot settle the business. Justice must be administered where the crime is committed. The Viceroy

II.
China Papers.

Death of
Mr. Mackenzie.

is desirous to do strict justice, he has no wish to introduce a new law to oppress foreigners : Mackenzie's case must be referred to the Emperor. The Viceroy must have the three Parsees ; it is not a mere formal demand.

" When the three men shall be brought up, the Committee may keep them in custody in the Company's Factory. The investigation may be held according to English forms.

" The Viceroy does not require the accused to be taken into the city ; deputed Mandarins will assemble in the Factory, and with the Committee hold a court for the trial. Mandarins must be present, but the men to be examined according to English usage. When the trial is finished, if the men are acquitted of the crime of murder, the Committee must show reason to the Viceroy why not guilty. If condemned by English laws, the men shall be executed on your own premises in presence of the Mandarins.

" The Merchants are ordered by the Viceroy to explain the whole case clearly to Committee.

" If the men are really gone, a ship must be immediately despatched to bring them back, and the Viceroy to be informed in what time they will be produced. The An-Cha-Sze has ordered the Hong Merchants to bring the Committee's answer to day, whether the men are gone or not."

Howqua then delivered the Viceroy's reply to our address of the 16th instant, which was as follows :

From Governor Le, demanding the delivery of the three Parsees ; dated October 19th, received 20th, 1830.

LE, Member of the Military Board, &c., hereby issues orders to the Hong Merchants, with which they must make themselves fully acquainted.

It is authenticated that the English Chief Baynes and others have presented a Statement, saying—[Here follows a Copy of the Committee's Letter of October 16th, 1830.]

On this coming before me, the Governor, I have examined the proceedings in this case, and find that I have repeatedly ordered the Merchants to enjoin my orders on the English Company's* Chief to deliver up the murderous foreigner (or foreigners) to be tried and punished.

As to the wounds on Mackenzie's corpse, the Nan hae Heen was ordered to go and examine them, as is on record.

Now said Chief and others have by no means made haste to deliver up the murderers, but turn round and say that the three men have been sent in custody to Bombay, where they will be tried according to English law, &c.

This scheming craftily to shove off the business from themselves, not knowing that in China foreigners killing foreigners, must take the murderer, and in China put him to death according to the foreign mode.

The case is established by former precedents.

Now the murderer who caused Mackenzie's death should be punished agreeably to old regulations. How suffer the said Chief and others to indulge themselves in opposition?

With speed, therefore, is issued to the said merchants an order to enjoin perspicuously my orders on the English Company's Chief, that he must take the foreigners who on that day fought, and instantly deliver them up, that a clear investigation may be made who the murderer was, and the character of his crime determined, Then let a report be made to me, the Governor, that I may send an officer to see that in China, according to law, how the affair has been managed. The laws and regulations of the Celestial Empire are luminously handed down from former times. No second opposition and procrastination will be allowed. You will thereby involve yourselves in guilt and the crime of perverseness. Intensely, intensely, are these orders given.

Taou Kwang, 10th year, 9th month, 3d day. (19th October 1830.)

* The translator observes a *change* of phrase of late ; formerly, it was the English *nation's* chief now it is *Factory* or *Company's* chief.

EXTRACT CHINA CONSULTATIONS, 21st October 1830.

THE following short Address to the Viceroy, in reply to his Edict received yesterday respecting the Parsees, was delivered to the Merchants, who then withdrew.

To His Excellency the Viceroy of Canton.

WE have received your Excellency's letter respecting the delivery of the three Parsees to be tried by the Chinese authorities, and have now only to inform your Excellency that our last letter contained all the information we can afford on the subject.

II.
China Papers.

Death of
Mr. Mackenzie.

EXTRACT CHINA CONSULTATIONS, 22d October 1830.

THE following Chop from the Nan hae Heen respecting the case of Captain Mackenzie has this day been delivered to us.

From the Nan hae Heen, requiring the Parsees who were the murderers of Captain Mackenzie to be delivered up, dated October 21st, 1830.

PWAN, the Nan hae Heen, issues an order to the Linguists, with which they are to make themselves fully acquainted. There is at present an affair of Indian foreigners having given wounds to a Dutch captain, Me Keenthe (Mackenzie), of which he died. The Governor peremptorily requires them to deliver up the murderer, and however he is to be punished, according to their foreign method shall be punished. We will send officers to see and look on. This has been the way of managing heretofore, and there are cases transpired which may be examined. For the Celestial Empire's fixed regulations are, that if a man of any one place go to any other place, and there break the laws, he shall always at the place where he broke the laws be tried. If, for instance, a Canton man goes to Kwang Se, and in a quarrel takes a man's life, he must be tried at Kwang Se, and certainly not be sent in custody to Canton. Though they, the foreigners, caused the death of a foreigner, yet the crime was committed in our country; therefore it is required in this country to manage it. Because they are foreigners, therefore they shall, according to their foreign method, be punished. In their foreign method, when the murdered man strikes the first blow, how is the murderer to be punished? When three men jointly strike one man, who is to be considered as the murderer? And who appears to be the murderer (in this case) after examination? You must ask the questions one by one till you clearly understand them. When the murderers are delivered up, we also will not go to examine and inquire, and investigate fully as to who ought to die, and what is to be done with them; who ought to be let live, and what is to be done with them; they shall all be punished according to the foreign method, and we will only send officers to look on and see, and that will do. Do you take the words of my orders, and inform the Chief, for his knowledge, and come again and state to me, that I may transmit a favourable statement to the Governor. There must on no account again be any perverse disobedience, which would hurt his dignity; and then it would not look well. These are the orders.

Taou Kwang, 10th year, 9th month, 5th day. (October 21st, 1830.)

EXTRACT LETTER from the Select Committee at Canton to the Court of Directors, dated 23d October 1830.

Par. 4. UPON the arrival of the Factory in Canton, the particular circumstances of the death of Captain Mackenzie, Commander of the Dutch ship Vrow Helena, caused by three Parsee Merchants, in an affray, were communicated to us by Mr. Lindsay, who had preceeded the Factory to Canton, as well as by Mr. Sen Van Basil, Consul of his Majesty the King of the Netherlands. The following is a brief outline of this unfortunate affair:

5. Mr. Bovet, a citizen of Geneva, resident for several years in Canton, shut up a thoroughfare in the Hong, which he inhabited for the annoyance and inconvenience

II.
China Papers.

Death of
Mr. Mackenzie.

inconvenience of other foreigners living in the same Hong. Upon this a Parsee Merchant, named Merwanjee, having made repeated applications to Mr. Bovet, in vain, to remove this obstruction to the free passage through the Hong, dispatched three Parsee servants with orders to break the lock which had been affixed to the door; Mr. Bovet perceiving their intentions, came out and attacked the party with a sword; the Parsees, however, succeeded in disarming Mr. Bovet, who then took to flight. Captain Mackenzie hearing a disturbance in the Hong, in which he lodged, came out to render assistance, as might appear necessary; and under a mistaken impression attacked the Parsees, whom he struck with an umbrella. The Parsees then proceeded to cudgel Captain Mackenzie with sticks or clubs, and inflicted blows, which caused his death the following morning.

6. The facts above stated had been investigated by an inquest of foreign residents in Canton, held under the superintendence of the Dutch Consul, and would probably, in an English court of justice, not implicate the three Parsees in question, in a charge of greater delinquency than that of manslaughter.

7. The Chinese authorities having already exhibited a disposition to interfere in this transaction, we determined to remove the three Parsees, British subjects, from Canton without delay, and they were sent on board the country ship Edmonstone, bound for Bombay. We have received information of the departure of the Edmonstone from China with the three Parsees above mentioned. The danger of allowing the Chinese Government to interfere upon the present occasion is too apparent to require discussion. Their sanguinary code of legislature would remain satisfied with nothing short of the life of at least one of the party implicated, and would in no way discriminate between a case of intentional murder, and one of accidental homicide; their demands for the delivery of the guilty persons would be urged as long as a hope could exist of exhibiting a display of power, by the execution of a foreigner, and would protract the discussion to an interminable period; we therefore felt that the measure which we adopted, while it offered the only protection in our power to the lives of three British subjects, was at the same time that best calculated to bring the affair to a conclusion; and if it could be necessary to adduce further argument in its favour, was the only one which the powers vested in this Committee place within their option.

8. Since the adoption of the preceding measure, the Chinese Government have demanded the delivery of the three Parsees to them for trial, and have persisted in that demand, although informed by us that they had actually left this country in a ship bound for the Presidency of Bombay, where they would be placed at the disposal of the Government, and submitted to any further trial which might be deemed proper. Their demand has since been modified in various ways, and would now appear to amount to the requisition of a trial according to foreign law, with the attendance of the Chinese authorities. We have stated in reply, the impossibility of compliance, the men having actually left the country; and the question rests in this state at present, without having affected the usual routine of our commercial transactions.

(See also Pars. 14, 15 and 18 of this Letter, in the Papers relating to the alleged breach of the laws of China, page 27 of this Paper.)

II.

China Papers.

Armed Force for
the Protection of the
Factory.

(C.)—PAPERS RELATING TO AN ARMED FORCE FOR THE
PROTECTION OF THE COMPANY'S FACTORY AT CANTON.

EXTRACT CHINA CONSULTATIONS, 20th October 1830.

To Captain John Innes, Senior Commander of the Honourable Company's Ships
in China.

Sir,

I AM directed by the President and Select Committee to communicate to you their orders, that with the least possible delay, you take the necessary steps for the attendance of 100 armed seamen and two quarter-deck carronades, for the protection of the Honourable Company's Factory.

I am, &c.

(signed) *R. Hudleston*, Secretary.

Canton, 20th October 1830.

EXTRACT CHINA CONSULTATIONS, 21st October 1830.

IN the course of the night, the force required for the protection of the Factories arrived in Canton; the guns were landed in the morning, and placed at the gate of our Factories. In consequence of the measures adopted by the Commodore, and the good discipline of the Honourable Company's ships, we are happy to say that this was effected without the least confusion or disorder.

EXTRACT CHINA SECRET CONSULTATIONS, dated 25th October 1830.

To Captain Innes, Senior Commander, &c. &c. &c.

Sir,

I AM directed by the President and Select Committee to convey to you the following orders respecting the guard retained in the Factory, and desire that you will take the necessary steps to carry them into effect.

1. That a number of men, not exceeding one division of the guard, be allowed to go out in front of the Factory only for a limited time, daily, and under the proper superintendence of their officers; these men to be unarmed.
2. That the guard be paraded by their officers daily in the garden, in front of the Company's Factory.
3. That the total number of seamen employed as a guard, which considerably exceeds what the Committee originally contemplated, be reduced gradually to that of 100; the number of officers remaining for your consideration, and that the reduction be effected gradually at the rate of 10 men per diem.
4. That four boats, manned from the guard, and armed, be in readiness at a quarter before five every evening, to be employed on any service on which they may be required.
5. That no man be permitted to carry his arms with him out of the Factory, excepting on duty.

I am, Sir, your obedient servant,

(signed) *H. H. Lindsay*, Act^g Sec^y.

25th October 1830.

II.

China Papers.

EXTRACT CHINA CONSULTATIONS, 1st November 1830.

Armed Force for
the Protection of the
Factory.

To Captain John Innes, Commander of the Honourable Company's Ship Abercrombie Robinson, and Senior Commander of the Honourable Company's Ships in China.

Sir,

I AM directed by the President and Select Committee to convey to you as Senior Commander their thanks for your conduct during the late proceedings, when prompt measures were considered necessary for the safety of British subjects in Canton, and an armed force was consequently ordered up from the Honourable Company's ships at Whampoa.

In making known to you the thanks of the President and Select Committee on this occasion, I am directed to observe that they do not limit their approbation altogether to the alacrity displayed by you in the execution of their orders, but extend it to the spirit with which you entered into their views, and the zeal displayed by you for the public service, which circumstances they shall consider it their duty to bring to the notice of the Honourable the Court of Directors.

I have, &c. &c.

(signed) *H. H. Lindsay*, Acting Secretary.

Canton, 1st Nov. 1830.

To Captain Philip Baylis, Commander of the Honourable Company's Ship Canning.

Sir,

I AM directed by the President and Select Committee to convey to you their thanks for the zeal displayed by you during the late proceedings in Canton, in arranging and disciplining the men placed more immediately under your orders in the Factories. To the regularity you established, and to the discipline you introduced among the seamen, may be in a great measure attributed the absence of all accidents, a circumstance highly conducive to the interests of the Honourable Company, and creditable to your abilities as an officer. I am directed to observe, that your conduct on this occasion will be brought to the favourable notice of the Honourable the Court of Directors.

I have, &c. &c.

(signed) *H. H. Lindsay*, Acting Secretary.

Canton, 1st Nov. 1830.

To the Commanders and Officers of the Honourable Company's Ships in China.

Gentlemen,

I AM directed by the President and Select Committee to convey to you their thanks for the zeal and alacrity displayed by you during the late proceedings, when circumstances rendered it necessary to order up an armed force from Whampoa, for the safety of British subjects in Canton. The promptitude with which the orders of the President and Select Committee were executed on this occasion, and the good conduct of the men during their stay in the Factories, are circumstances highly creditable to their officers, and to the discipline of their respective ships, and will not fail to be made known to the Honourable Court of Directors.

I have, &c. &c.

(signed) *H. H. Lindsay*, Acting Secretary.

Canton, 1st Nov. 1830.

(D.)—PAPERS RELATING TO ORDERS FOR SHIPS MOVING
DOWN THE RIVER TO RETURN THE FIRE OF THE
FORTS, &c. OF THE CHINESE.

II.

China Papers.

Ships to return Fire
of Chinese Forts.

EXTRACT CHINA CONSULTATIONS, dated 16th November 1830.

NOTWITHSTANDING the Grand Chops for the ships now under despatch have been regularly applied for more than a week ago, those of the Thomas Coutts and William Fairlie only have been issued. We have several times informed the Merchants that the despatch of the ships could not be delayed, and Puankhequa and Fatqua, who secure the Duchess of Athol and Dunira have promised to be in time ; but not having made up their accounts, the Grand Chops are not yet forthcoming.

We consider it absolutely necessary at the first despatch of the season to convince the Merchants that our ships, when ready, will positively sail, or else the same thing will assuredly happen again, and ships may be detained an indefinite period after their despatches are closed. We do not apprehend any difficulty in this instance, as the ships in question will follow the other two, who have pilots, and will probably have the same fishermen on board, who would have acted as guides to the legally constituted pilots. We therefore direct our Secretary to write the following letter to Captains Wilson and Daniell, for their guidance.

To Captain Daniell, Commander of the Honourable Company's Ship
Duchess of Athol.

Sir,

I AM instructed by the President and Select Committee to direct, that in the event of your not receiving your Grand Chop with the Honourable Company's packet, you weigh anchor, and proceed down the river in company with the Honourable Company's ships Thomas Coutts and William Fairlie. In case you should be fired at by the forts at the Bocca Tigris, you are in the first instance to return with blank cartridge ; but should your ship be struck, and the lives of the crew endangered, you are permitted to fire ball.

I have the honour, &c. &c.

Canton, 16th Nov. 1830. (signed) *H. H. Lindsay*, Secretary.

EXTRACT CHINA CONSULTATIONS, dated 18th November 1830.

WE have received the following Letter from Captain Wilson :

H. H. Lindsay, Esq. Secretary.

Sir,

I BEG to acquaint you, for the information of the President and Select Committee, that the Honourable Company's ship Dunira, under my command, proceeded from Second Bar this morning, agreeably to the instructions received. On passing through the Bague, a gun (not shotted) was fired from the fort, and the same returned by me.

I have, &c.

17th November 1830. (signed) *J. P. Wilson*.

EXTRACT CHINA CONSULTATIONS, dated 19th November 1831.

THE following Letter, from Captain Daniell, has been this day received :

William Baynes, Esq. President, &c. &c. &c.

Gentlemen,

I HAVE the honour to report to you, that having received the Honourable Company's Despatches, yesterday morning we got under weigh, and passed through the Bogue, and are now off Macao on our passage to St. Helena.

I have, &c.

18th Nov. 1830. (signed) *E. M. Daniell*.

II.

China Papers.

Redress of
Grievances, &c.(E.)—REDRESS OF GRIEVANCES, OR THE ACQUISITION
OR ASSERTION OF PRIVILEGES.(1.)—DEBTS DUE BY THE BANKRUPT MERCHANTS GNEWQUA
AND PONQUA.Debts due by
Gnewqua and
Ponqua.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 24th October 1810.

Par. 13. WE are sorry to inform your Honourable Court, that the plan we had resolved to adopt last season for the liquidation of the debts of the bankrupt Merchants Gnewqua and Ponqua, have been prevented by the most extraordinary interference of the Viceroy of Canton. The detail we shall have the honour to submit in due course to your Honourable Court, we regret to say will exhibit proceedings of duplicity and villany on the part of the Merchants and Mandarins, unprecedented even in China.

14. The Mandarins at present appear to have entirely changed their tone, and we have little doubt will terminate the business without further trouble, by directing the payment of the debts by the other Merchants, in the usual manner. We shall endeavour to obviate, by every means left in our power, the ruinous consequences that may result from this mode of adjustment, as well from the inability of the Junior Merchants to bear so heavy a burthen, as from the increased charges it may entail upon the foreign trade.

15. The arrangements we had made for the present season will, we hope, be allowed to proceed; but we fear the alarm occasioned to the Tea Merchants, by the proceedings of the Viceroy, will seriously affect both the quantity and quality of the Teas that were to have been delivered on account of Gnewqua.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 28th November 1810.

Par. 3. THE Chinese Government have directed the Teas contracted for on account of Gnewqua and Ponqua to be duly delivered, but no final settlement of these Merchants' affairs have taken place; it has latterly been proposed to pay, by instalments, in 10 years, a protracted period to which it is unreasonable to suppose we should accede.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 21st March 1811.

Par. 88. WITH respect to the future liquidation of the very serious amount of the debts of these bankrupt Merchants, both to the Honourable Company and to the other Foreign Creditors, it was generally understood at Canton, even early in the season, that the Viceroy had on his own authority laid down a plan of payment in 10 years, by equal annual instalments, and had transmitted it to Pekin, for the approval and ratification of his Imperial Majesty.

89. We were not however, officially informed of this fact, nor even personally assured of its truth until the 10th instant, when Pinqua communicated to us an Edict to this effect, addressed by the Nan-hai-Hien to the Hong Merchants for our information, and dated as early as the 6th ultimo, though no intimation had reached us of its existence before the day on which it was delivered to us.

90. Although the very reprehensible neglect of Pinqua in keeping us thus long in ignorance of so material a document, has afforded less time than we could have wished for the consideration and discussion of a subject of this importance, we deemed it our duty immediately to address to his Excellency the Viceroy, a remonstrance against an arrangement so far below the constant professions of the
Government,

Government, and which, inadequate as it is, the Merchants, while heavily burthened by the increasing charges and exactions of the Mandarins, and labouring under great individual embarrassments, are well known to be without the means to execute.

II.

China Papers.

Debts due by
Gnewqua and
Ponqua.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 10th January 1812.

Par. 229. THE plan which was first proposed to us by the Junior Merchants, was that our Committee should grant bills for the amount, (as was done in the case of Shykinqua's debts); and that on adjusting each Merchant's accounts with the Company at the close of the season, the amount of their shares should be severally deducted.

230. This arrangement, on account of the very different state of the Merchants and of our accounts with them, at this and at the former period, we could not altogether approve; but conceiving it desirable to ensure the adjustment of the business by some such agreement if possible, especially considering that a material proportion of the sum to be recovered is due to the Honourable Company, we offered to grant bills as proposed to the several creditors, upon condition of our receiving from Mowqua and Pinqua their bonds for the total amount (half from each), and the accounts to be adjusted with them at the end of the season.

231. The other Merchants having agreed to allow a sum of about 2*l.* 3*m.* upon each pecul of tea to be purchased from them by the Company, to be paid on their account when due into the Consoo Fund, as a security to Mowqua and Pinqua, the latter on our consenting to this allotment, made no further objection to our plan, and it has been carried into effect accordingly.

232. By closing with the Merchants upon these terms, it will be observed that we have not only secured the payment of the first instalment of the debt due to the Company from Gnewqua and Ponqua, but have likewise obtained a material accommodation, being thus enabled to liquidate a considerable part of the balance due at present by the Company to Mowqua and Pinqua, without any direct reduction in the amount of our specie.

(2.)—HEAVY BURTHENS ON THE TRADE.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 26th February 1810.

Heavy Burthens on
Trade.

Par. 188. IMMEDIATELY on our arrival from Macao, the Viceroy required our attendance to receive the orders of the Emperor on permitting the renewal of trade, and we availed ourselves of this opportunity of representing to him in writing the heavy burdens to which the trade was exposed, and other general subjects of complaint. The result of this measure, we are sorry to say, will prove to your Honourable Court how vain it is to expect redress from the Mandarins of this province, as not the least notice has been taken of our complaint. His ignorance of the subject cannot be pleaded, as the representation was delivered to the Viceroy himself, and perused by him in the presence of our President.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 21st March 1811.

Par. 91. WE considered this a favourable opportunity of endeavouring to draw the Viceroy's attention to the general state of this trade, and to some recent circumstances to which much of the distrust of Foreigners, and of the unprecedented embarrassments of the Merchants, is to be attributed; and we finally requested that the whole might be faithfully reported to his Imperial Majesty, upon whose favour and protection as well as wise and just determination, when fully informed of these circumstances, we were willing to place the most perfect reliance.

92. We have not received any reply to this representation; indeed, at this advanced period of the business, and considering the present temper of the Government, we can scarcely entertain any serious hopes of the success of its immediate

II.

China Papers.

Redress of
Grievances, &c.

object; but in a general point of view, and as conducive to the prevention of further encroachments, we have seldom found our remonstrances against any injurious or oppressive acts of this Government wholly without effect; and we are persuaded that the task, however unpleasant and ungracious, is on such occasions an important and indispensable part of our duty.

121. We are just enabled, previous to the close of our proceedings, to record a translation of an Edict which has been issued by the Hoppo, in answer to our address of the 10th instant; but the near approach of the present Despatch has necessarily prevented us from taking particular notice of its extraordinary contents, until a future opportunity.

122. We may however remark, that, notwithstanding the unblushing denial of the most notorious facts, the professed indifference and contempt for our representations, and the generally ungracious and offensive tone which pervades the whole of the communication, we are still disposed, from the reports we have heard, and from the anxiety and uneasiness which are betrayed in the Edict itself, to augur favourably of the ultimate effect of the sensation which our address has produced, and to hope that it may yet prove some check to the ruinous and oppressive system of extortion to which the Hong Merchants are subjected.

(3.)—COMPANY'S SHIPS DETAINED IN CONSEQUENCE OF A CHINESE BEING
KILLED BY AN ENGLISH SEAMAN.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 28th February 1810.

Detention of
Company's Ships.Death of a
Chinese.

Par. 1. WE are sorry to have to inform your Honourable Court, that at the moment when the ships had completed their lading, and our papers nearly in readiness for despatch, we were informed that the Chinese Government would not permit the departure of the ships until it was discovered by whom a Chinese had been killed, as they asserted one had been, by an English seaman.

2. A charge of this nature had been made some time before, but so entirely unsupported by proof, indeed, in direct contradiction to the testimony of the shop-keeper living within a few yards of the spot where the murder was said to have been committed, that we did not think it would be persisted in, and this opinion was much strengthened by the Grand Chop of the Nottingham being issued after the charge was made.

3. It was now, however, recommenced, and from asserting that the officer belonged to one of the ships whose captains resided in the Imperial Hong, they fixed on the Royal Charlotte, but without apparently the smallest reason, as although some men belonging to that ship were in Canton on the day the man was wounded, they were locked up at dusk, and not permitted to go out till next morning.

4. The charge was attempted to be substantiated by the production of two witnesses, who it was asserted could recognize the features of the offenders; but on examination this did not appear the fact: they deposed, however, positively as to the dress of the Europeans who wounded the Chinese, which on inquiry proved entirely different from that worn by the people of the Royal Charlotte.

5. It was in vain that Captain Austin and ourselves represented in the strongest terms the total failure of the proof they brought forward to establish the charge, and the injustice of detaining the ships on such grounds. Every argument was disregarded, and the receipt of letters from Captain Austin refused. In this situation we were on the point of forwarding letters to the different officers of Government, fixing a day for the departure of the ships with or without permission, when a proposition was made by the Chinese, and ultimately said to be approved by the Viceroy, that an address should be forwarded by the Committee, stating the impossibility of discovering the offender, but promising, if the ships were allowed to depart, that inquiries should continue, and if the offender was discovered, that he should be punished according to the laws of England.

6. We could have no hesitation in complying with this proposition; indeed, considered it most favourable, not perhaps in immediate reference to the present business, in which we might fairly consider ourselves treated with injustice, but as establishing a most desirable precedent for the adjustment of disputes of this nature in future.

7. An address was prepared, drawn up and approved by the Chinese, and was finally delivered on the night of the 21st, and every hope afforded of the Grand Chops being issued in three or four days. All the Merchants have since continued to assert that the dispute might be considered as settled, and attributed the delay to the Viceroy having proceeded to the Bogue to negotiate with one of the Ladrone Chiefs the terms of his return to his allegiance. With this we remained satisfied for some days, but the term of the seasonable despatch having nearly expired, we were called upon either to submit to the loss and inconvenience a further detention would occasion, or to risk the difficulties possible to arise from the despatch of the ships without the permission of the Chinese Government for their departure.

8. The proposition we have made being received, and from the delay tacitly consented to, we do not apprehend any serious consequences can result from the despatch of the ships, even under the circumstances, which further detention subjects the Honourable Company to, a loss it is impossible to calculate upon; on the 26th, therefore, all our papers being in readiness, we determined to deliver in the packets to the several Pursers, having previously desired the Merchants to make our intentions known to the Hoppo, who, however, did not seem disposed to expedite the delivery of the Chops, the packets were accordingly delivered, but not being provided with boats from the ships, intending to proceed, as usual, in a chop-boat, the departure of the Pursers was prevented.

9. On the morning of the 27th we transmitted a proposition to the Hoppo, stating our regret in being under the necessity of ordering away the ships without permission, and which nothing but the severe loss to which their detention would expose the Honourable Company could induce us to adopt. Letters of a similar nature were addressed also to the Viceroy and Fouyuen, and inclosed to the Hoppo, but he declined forwarding them, assuring the Merchants that an express had been sent to the Viceroy, and that an answer might be expected to-morrow. We are sorry, however, to say, that no port clearances have yet been issued; and we are consequently under the unpleasant necessity of sending away the ships without them.

10. As the ships will not be able to quit the Second Bar before to-morrow, or probably the next day, we hope the permission of the Chinese Government may yet be obtained before they pass the Bocca Tigris, which will obviate every difficulty.

11. We beg to refer your Honourable Court to our proceedings of the Seasons forwarded a number in the packet, per Perseverance, for a detail of the tedious discussions that have taken place on this interesting subject, which we cannot dismiss without requesting to express to your Honourable Court the high sense we entertain of the services that have been rendered by Captain Austin on the occasion, who returned to Canton immediately on hearing of the detention of the ships, and by his able advice and assistance has rendered the most essential aid.

II.
China Papers.

Detention of
Company's Ships.

Death of a
Chinese.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 1st March 1810.

Par. 2. THE Chinese Government having consented to the departure of the ships, on condition that inquiries should be made, and the offender, if discovered, punished agreeably with the laws of England, we are desirous of fulfilling our part of the engagement, and at the same time are strongly of opinion that a communication on the subject from your Honourable Court, or His Majesty's Ministers, to the Chinese Government, showing that the inquiries promised have been made, might be attended with beneficial effects, we have therefore taken the liberty of requesting Captain Austin will direct such investigation among the shipping as he deems proper, and best calculated to promote the object in view. The result of his inquiries may be ascertained on his arrival in England.

II.
China Papers.

Redress of
Grievances, &c.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 31st January 1811.

Par. 297. WHEN however we made, in consequence, our demand for the several Grand Chops of these ships in the usual manner, we had the mortification to learn that the Government had resolved to withhold them, in consequence, it was said, of our having neither delivered up the man who killed a Chinese in the latter part of last season, nor satisfactorily accounted for our refusal to do so.

298. In explanation of the circumstances which led to this extraordinary communication, we must refer your Honourable Court to the particulars which we have had to record on our proceedings, both at Macao and at Canton, relative to this affair, since we had the honour to communicate what we conceived to be equivalent to its final adjustment, in our Despatch at the close of the preceding season.

299. After the reference then made of the matter in discussion to England, and the consequent departure of the ships with the permission of the Chinese Government, the renewal of the subject at present, and the demand of the surrender of the individual who had killed the Chinese last year, on the pretext that his name is now known to be "William," or something in sound resembling it, though in fact he has not even been proved to be an Englishman, and at all events is certainly absent, and therefore out of our control, is no less unjust than absurd and extravagant.

300. On the whole, we confidently trust your Honourable Court will consider our address of explanation to the Viceroy, under date the 28th ult. to convey, in its full extent, that just respect and deference which this Government is entitled to receive from us, and that you will accordingly approve of our determination steadily to refuse to make answer in the terms dictated by the Government, which are both false in fact and dangerous in principle, and further, disgraceful, by the implication of promises never intended or expected to be performed.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 10th January 1812.

Par. 11. WE are concerned to find, that the conduct of the late Committee, in bringing to an adjustment the very anxious and embarrassing affair here adverted to, have not been considered upon the whole to merit the Honourable Court's approbation; but we trust that the few remarks we have to offer in further explanation of the Committee's proceedings, will prevent their continuing to appear to the Honourable Court thus censurable.

12. In the observations we have had the honour to submit to the Honourable Court, in the concluding paragraphs of our public letter of the 31st January 1811, we endeavoured to explain, and we trust satisfactorily, the very material fact, that whenever a murderer is demanded by the Chinese Government, a consequent selection and surrender of any individual into their hands, is completely equivalent in effect to a provisional sentence of death. The individual may be afterwards pardoned, or not, according to circumstances; but we think there can be no question, that our act in such cases is held by the Chinese Government as perfectly conclusive, both in respect to the law and the fact; or, in other words, as competent evidence both of the identity of the offender, and his offence having amounted to murder.

13. The very embarrassing predicament in which we are thus liable to be placed, the Honourable Court cannot be altogether unacquainted with, and this we may even infer from the paragraphs under reply, in which we are expressly instructed, that it would not be proper to deliver up an individual, who had killed a Chinese, into the hands of the Government, unless such individual had actually committed murder.

14. It is obvious that, with this limitation to the extent, your compliance with the demands of the Chinese Government, which we have always thought necessary, and which has now received the Honourable Court's sanction, any inquiry which should tend to convict an individual of the fact of killing a Chinese, without at the same time attaching to him the guilt of murder, and that in the clearest and most undeniable manner, would not only be useless, but add, in the most serious degree, to our embarrassments.

15. In the case in question, it appeared manifest from the commencement, that no inquiry which we could institute could attain to such a certainty of the guilt of any individual, as would have warranted us in selecting him, in fact, for execution. But such an inquiry, though fruitless in other respects, would necessarily have had the effect of rendering resistance to the demands of the Chinese Government more difficult, as it would have been unavoidably notorious, and would have implied an admission on our part, that the alleged guilt lay between a few persons only, and those the seamen of the Honourable Company's ship Cumberland.

16. It is also to be observed, that the information which excited suspicions in that quarter was not communicated to the President, until after the public examination of the Chinese witnesses had commenced, and in which considerable progress had been made in exposing the fallacy and incompetency of their testimony. We cannot suppose it would be wished that the Committee should have receded from the ground they had just gained, and thereby have exposed themselves so unprofitably to the charge of inconsistency in such a stage of the business.

17. By referring, on the contrary, the further investigation of the affair wholly to Captain Austin, and to a period in which the Chinese could no longer take any share in it, this dilemma was avoided; and it was also hoped, that the ends of justice would have been equally satisfied, as it was certainly not foreseen that the law of England would not even allow the men to be put on their trial.

18. The advantageous nature of the proposal which the Chinese were induced to make in consequence of a system of conduct thus adopted, is indeed remarked by the Honourable Court, and we cannot but felicitate ourselves upon the satisfactory adjustment that followed. What would have been the consequence of a line of proceeding, which would have given them a pretext for supposing that the culprit had really been discovered, it is impossible to say; but we cannot avoid expressing our full persuasion, that under any circumstances whatever, an adjustment effected by the delivery of an individual into the hands of the Chinese Government, would have been in its general consequences infinitely disastrous and unfortunate.

19. The case is perhaps different where the circumstances are so clear and unquestionable, and the Government itself fixes upon and demands the criminal; but under the circumstances we have stated, namely, a mere demand for a murderer to be given up, we cannot but submit to the judgment of your Honourable Committee, whether, without a violation of the laws of our own country, we can, in any shape, comply therewith. Whether, in short, we are warranted in exercising those judicial functions, which the selection and surrender of an individual, in compliance with such a vague demand, would seem to imply.

20. We trust your Honourable Committee will not deem our scruples on this occasion excessive; an occasion in which the life or death of an individual, and the honour or dishonour of our national character might be at stake; and we trust also, that under this explanation it will appear to your Honourable Court, that the line of conduct adopted was, considering the exigencies of the case, the only one consistent with the character and interests of our honourable employers, and of the British nation; and we beg to add in conclusion, that we feel assured, that had your late Committee been thoroughly satisfied upon authentic grounds of the facts of which a knowledge is imputed to them, such facts would undoubtedly have been communicated to our honourable employers in their public or secret dispatches.

21. After an attentive perusal of these instructions, and also of the letter of which a copy is transmitted for our inspection, and the fullest consideration of every circumstance connected with it, we have conceived ourselves entitled to conclude, that in the present instance the sole object in view in making such a communication, is to satisfy the Chinese Government respecting the circumstances of the death of the native supposed to have been killed by an English seaman, and respecting the measures taken in England, in consequence of the charge to that effect.

22. The letter addressed to the Viceroy upon this delicate subject is, doubtless, penned with all imaginable caution and propriety; yet it was impossible at such a distance of time and place to be certain of anticipating the views and disposition of the Government.

23. We confess, therefore, that since the affair is now apparently at rest, we not only feel great unwillingness to do anything that might tend to revive it; but we feel also some apprehensions of the improper advantage that might be taken,

II.

China Papers.

Detention of
Company's Ships.

Death of a
Chinese.

II.

China Papers.

Redress of
Grievances, &c.

or evil purpose facilitated, even by the mere admission made in the letter, that the three of the seamen of the Cumberland were found liable to suspicion; especially as that admission is unaccompanied by any decisive report upon their guilt or innocence.

24. The peculiar circumstances of the case rendered it no doubt difficult, we may say impossible, to give detailed explanations in writing, which, without a violation of truth, would be at all likely to satisfy the extravagant claims of the Chinese Government.

25. We conceive, therefore, that such explanations as may be necessary had better, if possible, be given verbally, and in the most general terms; and we think that the latter, if claimed at any time by the Chinese, may be said to have been intended only for the former Viceroy, under whose Government the accident happened, and withheld on that account.

(4).—COMPANY'S SHIPS DETAINED, IN CONSEQUENCE OF THE HONG MERCHANTS REFUSING TO SATISFY EXTORTIONATE DEMANDS OF THE HOPPO.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 31st January 1811.

Detention of
Company's Ships.Extortions of the
Hoppon.

Par. 288. THE various delays which protracted the period of the present Despatch considerably beyond the date which we ventured to anticipate as the latest, in our short address to your Honourable Court of the 10th ultimo, require us to enter in this place into some explanation of their causes, more especially as the question how far the evil is capable of remedy, is certainly deserving of your Honourable Court's serious consideration.

289. In the first place we have to observe, that instead of the regular and uniform progress in the lading our ships to which we have formerly been accustomed, we have frequently experienced interruptions in respect to particular ships, and these at one time, without any reason assigned, amounted in fact to an actual stoppage of the whole of the Honourable Company's trade.

290. On remonstrating with the merchants against this unwarrantable and vexatious treatment, they were unanimous in acknowledging that the detention of our ships was a measure of the Chinese Government, not directed against us, but against themselves, in consequence of the absolute inability of most of them, and the actual refusal of all, to satisfy the extortionate and continually increasing demands of the Hoppon, for the purchase of various articles of clock-work and mechanism imported on our ships, and usually denominated "*Sing Songs*," and which, it seems, are now become the established vehicle of corruption between that officer and his superiors of the capital.

291. It was further stated to us, that being thus invariably called upon by the Hoppon to purchase these articles for his use at any price, and to an enormous amount, their importation into China was become a grievance to the Merchants generally, of the most serious nature; in consequence of which, Puikua, our Senior Merchant, added, that he had now earnestly to request in his own name, and in that of the others, that we would represent this circumstance in our next despatches to our honourable employers, and suggest the adoption of some effectual measures for preventing the future shipment of articles of this description for China, in any of the vessels in the service of the Honourable Company.

295. Waving, however, the further discussion of these questions, we informed the Merchants, in conclusion, that to a measure so prejudicial to the interests of the Honourable Company, as this interruption to the lading of our ships, no differences which might exist between the Hoppon and the Merchants, much less those of the disgraceful nature they had related, would induce us to submit; and that we should accordingly make a formal appeal on the subject to the Government, unless the trade was very shortly allowed again to proceed.

296. Such an appeal, however, did not prove necessary, as the trade, through some compromise, probably between the Hoppon and Merchants, was re-opened almost immediately after; and in a few days, the lading of all the ships intended to be included in the present despatch, completed.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 10th February 1811.

II.
China Papers.

Detention of
Company's Ships.
Extortions of the
Hoppo.

Par. 8. OUR proceedings transmitted by this Despatch, will convey to your Honourable Court information up to the 31st ultimo, of the several circumstances connected with the vexatious and unwarrantable detention of the ships of the present fleet have been subjected by the Chinese Government.

9. Having been unsuccessful in our subsequent endeavours to prevail upon the Merchants to deliver to the Viceroy and Hoppo our written remonstrance against the unjust procedure, we found ourselves under the necessity of having recourse to the less regular and usual mode of effecting the object in view, by means of a deputation to the city gates.

10. This service was successfully executed by Mr. Parry and Captain Lindsay, who proceeded to the gate of the city at our request on the 2d instant, accompanied by a party of the gentlemen of the Factory and the Commanders and Officers of the Honourable Company's ships. The party finding no material obstruction on entering, were enabled to advance as far as the Hoppo's Palace, where Mr. Parry and Captain Lindsay had the satisfaction of presenting our address personally to his Excellency, as is more particularly stated in Mr. Parry's Report, a copy of which we have the honour to enclose.

Par. 11. The address was returned to us by the Merchants the same evening, without any specific promise of a compliance with our request; but the tenor of our application and the public manner in which it had been presented had evidently produced a considerable sensation, as it was immediately followed by an offer to receive from us explanations in reply to the demand of the surrender of the murderer of the Chinese of the last season, considerably less objectionable than any proposed at a former period.

12. Another letter was accordingly addressed to the Viceroy and the Hoppo, in substance indeed the same as our proposed address of the 28th of December, long since rejected; but yet in terms, which the Merchants now assured us, would be considered sufficiently satisfactory.

13. As a day or two were again suffered to elapse, and difficulties still alleged to exist against the delivery of the Grand Chops, it was at length intimated to the Merchants, for the information of the Mandarins, that however desirous we were to pay every due deference to the regulations of the Chinese Government, our submission to a detention of our ships so perfectly unjustifiable, and so injurious to the interests of our employers, could not continue much longer, and that they must accordingly be prepared for the event of our despatching the fleet, even without the usual permission, should the government determine to reduce us to that unpleasant alternative.

14. Whether conscious of the impracticability of preventing the despatch of our ships, if seriously determined upon, is the circumstance which has given to the above intimation the effect intended, or whether the Merchants have been ultimately obliged to purchase the consent of the officers of government by a submission to further extortion, we are unable to pronounce; but it is certain, that the first positive assurance that the Grand Chops would be issued, was to all appearance the immediate consequence of the communication in question.

15. Having this day received the Grand Chops of the several ships, agreeably to the above assurances, we have much satisfaction in being enabled to announce the same to your Honourable Court, and shall have the pleasure of transmitting forthwith our final Despatches to the respective commanders.

(5).—TRADE OF THE SEASON DELAYED IN CONSEQUENCE OF THE VICEROY DIRECTING THAT MR. ROBERTS, ONE OF THE SELECT COMMITTEE OF SUPRACARGOES, SHOULD LEAVE CANTON.

Secret Department.

EXTRACT LETTER from J. F. Elphinstone, Esq., to the Honourable the Chairman of the East India Company, dated Canton, 23d December 1813.

Delay of Trade.
Mr. Roberts.

Par. 2. IN consequence of having been engaged in a discussion with the Chinese Government, our commercial proceedings were suspended till about the 10th instant,

II.
China Papers.

Redress of
Grievances, &c.

as the Select Committee did not consider it to be expedient to land any of the Honourable Company's cargoes till the point in question was adjusted.

3. The discussion arose from a report that the former Viceroy Pé made to Peking at the close of the year 1811, when stating to his Imperial Majesty the failure of Gnewqua's and Ponqua's Hongs, and proposing the punishment of Ashing.

4. On the arrival of Mr. Browne, and hearing of the intended return of Mr. Roberts to Europe, the Viceroy Pé appears to have obtained a statement from the Merchants that the conduct of Mr. Roberts in Gnewqua's and Ponqua's affairs, together with his opposition to the Chinese Government, had been displeasing to the authorities in England, and that he had been removed accordingly. Seizing on this circumstance to give a colour to his most unjust proceedings towards Gnewqua, Ponqua and Ashing, when making his report to Peking of their alleged delinquency, and proposing their being banished, the Viceroy Pé at the same time recommended that Mr. Roberts, as having also violated the laws and regulations, should not be permitted to return to China.

5. No notice whatsoever was taken of these prohibitions while the former Hoppo remained in Canton, neither did it occur to the Viceroy to make the least objection to Mr. Roberts coming to Canton, when application was made for that purpose last season; and it appears the objections now started by the Viceroy proceeded from the suggestions of some of the inferior persons connected with his office, and the Viceroy, not aware at the time of the consequences, acquiesced in the publishing an official Edict, requiring Mr. Roberts to leave China.

6. The conduct and disposition of the Hoppo, on his first arrival in Canton, was so decidedly hostile to Europeans, that the parties suggesting the renewal of the question to the Viceroy, were assured their measures would not be opposed by the Hoppo, as he was impressed with the belief that the more violent and arbitrary he was towards Europeans and the Merchants, the better was his chance of profiting by extortion.

7. This attempt at interference on the part of the Chinese Government, involving essentially the interests of the Honourable Company, as it amounted in fact to placing their servants under the control of the Chinese, (the only illegal act alleged against Mr. Roberts was that of having advanced money on contracts), the Committee considered was to be resisted, and in the most decided manner in their power, and consequently all commercial intercourse was declined until the Viceroy should officially rescind and withdraw his prohibitions respecting Mr. Roberts, and fully aware that nothing is to be expected from the justice of the Chinese officers, we could only hope to establish our point by firmness and perseverance.

8. By renewing this subject, the Viceroy soon found himself placed in rather an embarrassing situation: for in complying with our demands or doing what justice required, was reflecting on the conduct of his predecessor Pé, who he did not wish to offend. After a considerable delay, and resorting to various expedients to establish his point, or rather to preserve appearances, by repeating his Edicts and Orders for Mr. Roberts to leave China, the Viceroy finding that the Committee were determined to decline all commerce till the prohibitions and objections were officially rescinded and withdrawn, at length gave way, and an official document was delivered to the effect required, not altogether satisfactory in European estimation, but considered by the Chinese as being amply sufficient, and entirely disavowing all right to interfere; and we hope it will prove so by preventing the recurrence of any similar attempt on the part of the Government in future.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated the 22d February 1814.

Par. 134. YOUR Honourable Court has already been informed of the discussion in which we were engaged with the Government from the latter end of September, and which was finally arranged about the 10th December.

135. The objections made by the Chinese to Mr. Roberts's discharging the duties of the situation to which he was appointed by your Honourable Court are fully recorded. We consider it necessary, for the preservation of the interests of our employers, most decidedly to resist an interference of this nature on the part of the Canton Government, which could not, without the greatest danger to the interests of the Honourable Company, be permitted to be exercised.

136. On the receipt of the Viceroy's Edict we determined to adopt such measures as we hoped would prove effectual in inducing the Canton Government to withdraw their objections.

137. The cargoes belonging to the Honourable Company were not permitted to be landed from the ships, and an early opportunity was taken to make it known that, until the Viceroy's Edict was officially rescinded, we would persevere in our measure of declining all commercial intercourse.

138. The various expedients resorted to by the officers of government in order to induce us to relinquish our objections and concede the point, are fully detailed on our proceedings. From these it will be seen that the Viceroy was finally induced to withdraw his prohibitions, and officially rescind the orders he had given relative to Mr. Roberts.

139. Although the document published by the Viceroy on this occasion was not altogether satisfactory, yet it was considered fully as much as we could expect, unless perhaps a much longer interruption had been persisted in; and under the full persuasion, however unsatisfactory the expressions in the official documents might be, that we had, in fact, gained what we had proposed, namely, that of having convinced the Chinese, be the consequences what they might, so improper an interference would never be permitted; and we consider it inexpedient to decline any longer unloading the ships, since which time our business has proceeded without any material interruption.

II.
China Papers.
Delay of Trade.
Mr. Roberts.

EXTRACT LETTER from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 22d February 1814.

Par. 25. UNDER this date is recorded a letter from Goqua, which relates to the subject which occasioned a discussion with the Chinese Government. September 25.

26. In our proceedings in this department under the several dates in the margin, as also in our public department, are fully detailed the measures we pursued throughout the discussion, in which it will be seen that our refusing to unload the ships until the Viceroy should officially rescind the objections he had made to Mr. Roberts's holding the situation to which he had been appointed, finally succeeded in obtaining an official document, not altogether satisfactory, although we may hope it will be sufficient to prevent any attempt of a similar nature at a future period. October 28.
Nov. 2, 5, 8, 13.

27. By the publication of the Viceroy's Edict of the 2d of December, we were happily relieved from the necessity of taking into consideration the adoption of the measure proposed in Mr. Elphinstone's Minute, of withdrawing the Honourable Company's ships, for the purpose of more effectually representing what we had to complain of to the Government of Peking. Carrying on an extensive commerce, sufficient to excite the rapacity of the officers of government, protected by no laws, but, on the contrary, such regulations as are made, so vague and undefined as to admit of any interference or interpretation that a corrupt and despotic government may be disposed to give them, our only hope of preventing the recurrence of these attacks is by a firm and decided resistance.

28. Although we cannot but regret the delay which was occasioned, we must observe, it appears to have prevented our being subject to many interferences we might otherwise have been exposed to from the Hoppo. The very violent and arbitrary manner in which he commenced the functions of his office was sufficient to show what would have been his conduct had he not been checked. From the time of our commencing unloading the ships no interference or interruption worthy of remark has been experienced.

(6).—FIRST LIEUTENANT OF HIS MAJESTY'S SHIP INDEFATIGABLE, ATTACKED WHILE ON SHORE, AND SEVERELY ILL-TREATED BY THE CHINESE.

EXTRACT LETTER in the Public Department from the Select Committee at Canton to the Honourable Court of Directors, dated 10th January 1812.

Par. 298. THE particulars will be noticed by your Honourable Court on our proceedings of this season, of an appeal which we had occasion to make to the justice of the Chinese Government, in concurrence with Captain Briggs of His Majesty's Ill treatment of the First Lieutenant of the Indefatigable.

II.
China Papers.
Redress of
Grievances, &c.

Majesty's Ship *Clorinde*, in consequence of the First Lieutenant of the *Indefatigable* having been attacked and severely ill-treated, and also plundered of a gun by the Chinese on shore, near the anchorage at Chunpee.

299. It is satisfactory to be enabled to add, that in this instance, not only very great readiness was shown by the officers of Government to attend to our complaint, but complete redress actually obtained, the principal offender having been secured and brought to Canton, and the gun recovered and restored to the Captain of His Majesty's Ship *Indefatigable*.

(7).—RESPECTING THE EMBARRASSED CIRCUMSTANCES OF SOME OF THE
HONG MERCHANTS.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 2d March 1813.

Embarrassments
of the
Hong Merchants.

Par. 2. WE have noticed in this department the proceedings of the European creditors of the Hongs of Conseequa, Exchin, Manhoh, Poonequa and Goqua, and the arrangements which they have made for the recovery of their debts; having for the chief object the equalizing the claims on these Merchants with respect to the interest, and from such funds as may arise to the Merchants in the course of their commercial transactions, an equal distribution will be made among the claimants.

3. This arrangement, which is equitable as far as the parties are concerned, will have the effect of relieving the Merchants from the pressing importunities of any of their European creditors. The alternative which was left at the option of the European creditors, was an application to the Chinese Government for the payment of their debts, which would have occasioned the bankruptcy of the Hongs, and much inconvenience and delay to the Honourable Company's affairs would probably have arisen during the present season. The funds from whence these debts would be charged must be raised by the imposition of further duties on European Commerce. From the state of the commercial relations of other nations with China at present, the tax must have fallen heavily on the Company's trade, under these circumstances we consider the arrangement to be by most the beneficial for the Honourable Company's affairs which could have been adopted, and consequently fully deserving every assistance which we may have it in our power to afford.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 31st March 1813.

Par. 10. WE noticed in our proceedings in this department a message which the Hoppo had sent through Pinqua, relative to the re-establishment of Chunqua's Hong, in the Honourable Company's employment. On a visit which his Excellency lately paid at the Factory, he again introduced the subject, and requested that Chunqua might be readmitted; not altogether approving of this interference, it was merely observed in reply, that the Committee had not at that time determined on these arrangements, but when concluded the result would be communicated to his Excellency.

11. In the present circumstances of the trade, together with the former conduct of Chunqua, we perhaps had no great cause to wish for a renewal of intercourse; at the same time, from the anxiety which Chunqua has evinced to be again admitted to the Company's business, it may be fairly presumed that he will be extremely cautious of taking any measures which may deserve the reprehension of the Committee, and it is to be hoped that his future conduct will be such as to give no cause to regret our having acceded to his request; the proposition of business which we have allotted to Chunqua is about two shares.

12. With the exception of Pinqua, to whom we have appropriated four shares, and of Mowqua, who has three, the proportions of the business allotted to the other Merchants are the same as before. The introduction of Chunqua is provided for by the addition of two shares to the former number of 20.

13. The situation, however, of many of the Hong Merchants is such (being considerably indebted to Europeans) that we do not consider it to be advisable to adhere to a strict distribution of the business in the shares as here specified.

14. The profits arising from the trade which these Merchants may be enabled to carry on with Europeans, is the source from whence their debts are to be liquidated, (unless application is made to the Government, when their debts will be discharged by the body of the Hong Merchants from funds arising from the imposition of further duties on the foreign trade,) consequently it becomes desirable to throw as large a proportion of business into the hands of the Merchants thus situated, as may be done consistent with the interests of the Honourable Company, and without detriment to the investment.

15. The manner in which the contracts are now made, by the Tea Merchants communicating to us their arrangements with the Hong Merchants, for whom we in fact become responsible, the necessary advances on the contracts being paid to the Tea Merchants from our treasury; and on the teas being weighed and received, the long ells for the amount remaining due being delivered at once from the Factory, the confidence of the Tea Merchant and the credit of the Hong Merchant (as far as relates to the transaction) is completely established; and there appears no cause to apprehend that the teas will not prove to be equally good with those delivered by other Merchants. We have considered it therefore expedient to limit the division of the business in the shares specified, to the amount of the teas actually required by the estimate, and to divide the further provision of Congo which it is advisable to contract for, among the Merchants, Conseequa, Exchin, Manhop, Poonequa, and Goqua.

II.
China Papers.
Embarrassments
of the
Hong Merchants.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 22d February 1814.

Par. 167. WE have at various times had the honour to detail to your Honourable Court the situation of the majority of the Hong Merchants; their situation at the close of 1806-7 was that of complete insolvency.

168. In the seasons immediately following, their true situation became at first suspected, and then fully ascertained, and on their credit failing them entirely, they became exposed to all the harassing importunities and distress which was to be expected would take place from their numerous creditors.

169. On the loss of their credit their commercial transactions became daily more embarrassed; that part of the Honourable Company's investment which those Merchants had to provide became injured in quality, and was obtained with difficulty; the sums required for duties, and which must be paid, were not forthcoming, and the ruin of five Hongs, viz. Conseequa, Exchin, Manhop, Poonequa, and Goqua appeared inevitable.

170. It then becomes a question for the consideration of the Committee, whether it was expedient for the interest of the Company and the trade generally that these Merchants should be allowed to fail, or by stepping forward to their assistance, exertions should be made to uphold the Hongs, and that such profits as might arise from their commercial transactions should be applied to the liquidation of their debts. By the failure of so many Hongs, debts due to the Honourable Company and individuals, amounting in the aggregate to nearly four millions, would have remained to be adjusted, such part as the Government might have thought proper to acknowledge would have been ordered to have been paid by the remaining Merchants, probably in ten years; who, in their turn, would have laid additional taxes on the foreign trade to meet the annual instalment. The loss, together with the serious injury which must have been entailed on the Company's and foreign trade was obvious; and the Committee were of opinion that it was for the advantage of the interests more particularly committed to their charge, as well as to the general interests of all parties concerned, that the Hongs should continue.

171. In coming to this decision, the Committee could not but be aware of the many difficulties to be encountered, the trouble and responsibility which they were imposing on themselves to carry on trade with Merchants so situated, there remained but a choice of evils, and it was their duty to adopt what appeared least likely to injure the interests committed to their charge.

172. Considerable difficulty was experienced at first in avoiding the payment

II.
China Papers.

Redress of
Grievances, &c.

ment of fees and donations to the officers of Government; these difficulties were immediately lessened by the mild and moderate conduct of the late Hoppo Te-ta Zin.

173. On the adopting the resolution to support the Merchants, the Committee considered it their duty to resist the application of the private creditors to be allowed a participation at once in any advantages that might arise from their transactions with the Merchants, conceiving that the Company had full right to require that the profits arising from their transactions with these Merchants, should, in the first instance, be solely appropriated to the liquidation of their claims. On their amount being cleared off, it would remain for the Committee to afford any assistance in their power to private individuals. It may be here proper to observe, that the conduct of the private creditors throughout merits commendation. No measures were proposed to be adopted without a previous reference, to know how far such measures might be approved by the Committee.

174. From the situation of the Merchants it must be evident to your Honourable Court, that they possessed no resources within themselves from whence their balances could be paid off, and that the liquidation of their several debts to the Company could only be the work of several seasons. The payment of duties, the advance on contracts, and all other charges have been made from our treasury; and having, as your Honourable Court are desirous should be done, reduced their respective accounts with the Company, we are unable to concur in the remark of the 52d paragraph, under reply, that the Merchants are in a much worse situation than they were in 1809-10. On the contrary, we are disposed to think their circumstances are much improved, their embarrassed situation being publicly known, and they themselves are now fully aware that their re-establishment depends entirely on their good conduct and economy; and in addition to this, as far as the Company's investment is considered, we have established such an intercourse and understanding with the Tea Merchants as greatly advances the credit of the Junior Merchants of the Hong, and will prove of essential benefit in our future transactions.

175. With respect to the advances made on contracts, we believe that they do not exceed what was customary in former periods. Interest equal to one per cent. per month is charged on the sums so advanced, and consequently no loss can be said to arise.

176. We have been under the necessity of making, in the present season, advances on the payment of duties, to prevent the failure of the Hong of Fatqua. Our dealings with that Merchant are not extensive, but we hope by care and attention in his business, it will not be long before he clears his debt to the Honourable Company.

177. Our utmost exertions are used to limit the amount of our advances to the Merchants: their indispensable demands must be complied with; but on the economy with which their affairs are transacted depends chiefly the success of the present plan adopted for the payment of their debts.

178. We are unwilling to suppose that Goqua would have readily or on light grounds resorted to this measure, but at the same time, a certain pressure, arising from inability to pay his duties, which would endanger the Hong, might have proved too great to resist the temptation of appropriating funds passing through his hands, and we trust your Honourable Court will deem this a sufficient reason for the apprehensions expressed, and the advance made.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 16th January 1815.

Par. 12. IT is unnecessary for us to repeat the probable consequences of so many of the Merchants becoming bankrupts, and the heavy additional taxation that would fall on the trade, to enable these debts to be discharged. Our anxious endeavours have been constantly employed to give full effect to the arrangement.

13. We have met with difficulties proceeding, as we believe, from the jealousy of the Senior Merchants, and their desire to engross the European trade, these difficulties have been increased by a want of energy and conduct on the part of those Merchants whose Hongs we are endeavouring to sustain. We have only
to

to rely on our own firmness and determination in resisting any attempt that may be made, and when the Senior Merchants are convinced that we are resolved to persevere in the arrangement, we may hope to be allowed to carry it on without molestation.

II.

China Papers.

Embarrassments
of the
Hong Merchants.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 16th January 1815.

Par. 68. WE have on other occasions so fully stated to your Honourable Court the many and serious consequences to the Trade that must inevitably ensue from the failure of so many of the Hongso so deeply indebted, and whose debts would fall on the European trade. We will confine ourselves at present to the remark that, under existing circumstances, we consider the advances made to enable the Merchants to discharge their duties to Government, and also the requisite advances to defray the disbursements of their respective Hongso, to be as necessary and expedient as any payments made to the Tea Merchants and others, in return for goods actually delivered; at the same time we had a right to expect, that the officers of the Canton Government would consider the advances made in a liberal point of view, and refrain from unjust practices, especially when these more particularly affected us; but from the officers of the Chinese Government we know, from experience, neither rectitude of conduct, or liberality of sentiment can be expected; when an officer enters on his situation, his attention is not excited to a due and just performance of its duties, but to the profits that may accrue from it.

69. The officer whose conduct has called forth the remark made by your Honourable Court, was notwithstanding a mild and moderate man compared with his predecessors; and, although we experienced several vexatious interruptions, there was at all times a great readiness shown by the Hoppo Le to receive, discuss and adjust any complaints we might have occasion to carry before him, and, on the whole, we should be well pleased to see the office filled by him again.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 11th March 1815.

Par. 12. WE are wholly unable at the present moment to hazard an opinion as to what may be the Viceroy's course of proceedings in regard to the Hongso of the Junior Merchants; we cannot but indulge a hope, that the more accurate information that we suppose he must have obtained, together with the obvious policy of permitting the Junior Merchants to continue, will operate on the decision of the Viceroy, in permitting their Hongso to continue as before.

13. The question, as it relates to Sir George Staunton, we understand is considered to be completely set at rest, by the clear and strong statement made by the Merchants; the Viceroy, it is said, most fully concurred in the tenor of the document, and that it was immediately transmitted to Peking; we cannot but hope that the Viceroy's views on the other points connected with the foreign trade have undergone a favourable change.

14. We should greatly regret giving your Honourable Committee grounds for believing that the situation of the Honourable Company's affairs and interest in China were in a more favourable state than is really the case; we have considered it necessary therefore, to take the earliest opportunity of laying every document before your Honourable Committee, from whence it will be seen, the attempts that have been made to overturn the present system of the trade, the change that was proposed to be established, the measures we have pursued in the hope of defeating the attempt, and the danger that still threatens the Honourable Company's interest, and the trade generally at Canton.

15. The measure of suspending the commercial intercourse (particularly should it be necessary for any length of time) is attended with such injurious effects, that nothing but the conviction that no other measure is left for our adoption, in order to obtain forbearance on the part of the Chinese Government, can justify our resorting to it, and for the efficacy of the measure we depend only on the conse-

II.
China Papers.

Redress of
Grievances, &c.

quences that may be supposed will arise to the Chinese Government from so extensive a trade being suddenly interrupted.

16. Your Honourable Committee will not fail to appreciate the difficulties experienced in conducting so extensive a trade, exciting the views and interests, and exposed to the intrigues of designing persons, protected by no laws or regulations, while the superior officers of the provincial government are leagued with or assisting the parties acting against us. To resist such a combination the Committee alone can scarcely be expected to prove equal, and it will be for your Honourable Committee to determine on the measures best calculated to support and preserve the Honourable Company's interests in China.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 12th March 1815.

Par. 38. WE have lately been informed by Conseequa and the Junior Merchants that they are under considerable apprehensions, in consequence of Edicts which have been received from the Emperor and the Viceroy, relative to the foreign trade, and to their Hongs in particular. They stated that the Merchants indebted to foreigners are ordered to be removed.

39. We requested that the documents might be put into our possession, which request the Merchants have declined compliance with, in consequence, as they have privately assured us, of the advice of the Hoppo.

40. By a second Imperial Edict, relative to the foreign trade, we understand that the removing of such Merchants as are indebted to foreigners is again mentioned, and we understand that the Emperor positively directs Puankhequa to resume the situation of First Merchant.

41. A measure so unjust, and so manifestly injurious to the interests of the foreign trade at Canton, as breaking the Merchants who are indebted to foreigners, and whose heavy debts must necessarily fall on the trade in the shape of duties, we consider it to be our bounden duty to oppose in every way in our power.

42. From the experience we have had of the conduct of the Government and the Merchants, during the last season and the present, whether proceeding from machinations of some among the Merchants, added to the want of exertion in others, or the hostile and unfriendly disposition of the superior officers of the Canton government, it appears probable that the return of Puankhequa may be attended with beneficial effects, as we may hope he will have the power of repressing any evil designs, while his known firmness will enable him to explain affairs more freely to the officers of Government.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 9th April 1815.

Par. 7. WE have the pleasure to acquaint your Honourable Court, Puankhequa has resumed the situation of First Merchant, in obedience to the Imperial Decree.

8. On our Consultations, under date the 2d instant, your Honourable Court will find detailed the particulars of an interview we had with Puankhequa and the other Merchants on that day, relative to the affairs of the Hongs that are indebted to Europeans.

9. We have already acquainted your Honourable Court with the serious consequences which we apprehended would attend the removal of the Junior Merchants, and that we should consider it our bounden duty to resist such a measure on the part of the officers of Government by every means in our power.

10. We have the satisfaction to state, that we have since been informed by Pinqua, that the Hoppo has expressed himself to be fully aware of the embarrassment that would arise to the general trade of Canton, should the measures proposed be carried into effect, and that he has promised to use his utmost endeavours to obtain the Viceroy's concurrence to the support of the Junior Hongs, on the return of that officer from the tour of inspection in which he is at present engaged.

II.

China Papers.

Embarrassments
of the
Hong Merchants.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 9th April 1815.

Par. 4. ON the 4th instant we had the satisfaction to hear through Pinqua, that the Hoppo had given him the strongest assurances of his intentions to support the Junior Merchants, as far as was in his power, and that he should spare no entreaties or arguments in inducing the Viceroy to concur. He proposed to avail himself of an early occasion after the Viceroy's return to Canton, as he is at present absent on a tour of inspection.

5. The assurances of the Hoppo, so strongly and unequivocally expressed, have had the effect of removing, in great measure, the doubts that the various reports respecting the intentions of the Government towards the Junior Merchants had excited; and we were in consequence enabled to assist the Junior Merchants in their arrangements with their European creditors, by granting bills on the Honourable Court for the amount of the balances due to them, together with a further sum beyond the amount which we were actually indebted; and in consideration of all circumstances our bills were drawn at the rate of 5 s. 6 d. per dollar, payable in 12 months.

6. The communication made by Pinqua will further enable us to proceed with the necessary arrangements for providing the investment of the ensuing season; and as the period of making the advances on the Twankays is arrived, our contracts with the Merchants will be made immediately after the sailing of the Scaleby Castle.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 30th April 1815.

Par. 4. IN compliance with the orders of this Government, Puan-khe-qua has taken charge of his Hong, having effected, through superior address with the Viceroy and others of the officers of Government, the complete exclusion of his brothers and other branches of his family, who before participated in the profits of the Hong.

5. In consideration of Puan-khe-qua's former situation, we proposed in our division of the business to allot to him the proportion annually appropriated to the First Merchant, but on our intentions being communicated, Puan-khe-qua declined doing business to this extent, on the plea of want of capital (unless we would assist him with advances), and further, that we must stipulate to pay up the amount of his teas at the close of the season.

6. We must observe, that Puan-khe-qua advanced another argument, which, could it be relied on, does him more credit, which was, that he was unwilling to interfere with our arrangements respecting the Junior Merchants, as by the extent of their dealings with us their circumstances and credit were chiefly to be restored.

7. Under the unusual stipulation of his account being paid off at the close of the season, and which we cannot possibly suppose the real state of his capital to warrant, together with the obvious policy of assisting the Junior Merchants, the wishes expressed by Puan-khe-qua to engage in business with us on a more limited scale than we had proposed, were readily acceded to.

8. The conduct of Chunqua, in the opinion of the Committee, was such as to merit the severest marks of their displeasure; and an entire discontinuance of all commercial transactions between the Company and Chunqua would have been the proper return for his unjustifiable proceedings towards us. On the return of Puan-khe-qua, however, we did not feel altogether confident as to the line of conduct he might think it proper to pursue; and as Chunqua appeared to us to promise the best, if not the only check on Puan-khe-qua, should he propose to embarrass the trade with restrictions, we deemed it rather politic to continue our business with Chunqua. Accordingly we made contracts with him to the same extent as in this season.

9. After the experience we have had of Chunqua's conduct, it is apparent that no reliance can be placed on him, and it will require a considerable period of service to remove the unfavourable impressions that his conduct has given. We must hope that the sums of money that these intrigues cannot but cost him, together with the failure of the ends proposed, will induce him to see his real interests, and

II.
China Papers.

Redress of
Grievances, &c.

urge him to use such influence as he may possess with the officers of Government in disposing them favourably towards that trade by which he benefits.

10. With the exception of a reduction from Pinqua's business, who is considered as the second Merchant in our division of business, the allotment to the other Merchants was the same as in this season.

11. We are still unable to speak decidedly of the Viceroy's intentions respecting the Junior Merchants. Since his return to Canton we understand he has expressed his intention of making inquiries into the state of the Merchants' accounts with foreigners; but we believe he cannot but be now fully aware of the impolicy of carrying his former intentions of removing these Hongs into effect.

12. In the course of the communications which have passed on this subject, we have had opportunities of hearing indirectly that the principal officers of the Canton Government, as well as the Hoppo, were fully aware of the expediency of the Government not interfering with the Hong Merchants. The question, however, appears to rest entirely with the Viceroy to decide, and it is much to be regretted that the presumption and obstinacy of his character is unfortunately such as to leave the question still in doubt.

13. We are unwilling to anticipate evils, but in the event of the Junior Merchants being removed, the strongest appeal against the Viceroy's injustice will be required from us; and we should hope a subject of such importance could not fail to excite the attention of the Imperial Government of Peking, where we must further hope the conduct of the Viceroy towards us, in this and in the preceding season, would meet with severe censure.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 12th October 1815.

Par. 25. WE have much satisfaction in acquainting your Honourable Court, that the question relating to the continuance of the Hongs of the Junior Merchants is considered as being finally settled, the Viceroy having made such a report to Peking, as will ensure a favourable reply from the Imperial Government; and we beg to offer our congratulations on an arrangement effected in opposition to great and peculiar difficulties, and of the most material importance to the British commercial interests generally at this port.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 3d December 1815.

Par. 7. WE have transferred to our Public Department the several documents and our proceedings on the question of the continuance of the Hongs of the Junior Merchants, and as far as we can judge from appearances at present, we believe we may congratulate your Honourable Committee on the favourable termination of that highly important question.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 12th January 1816.

Par. 143. THE approbation that your Honourable Court have been pleased to express of the measures adopted, and of the arrangements made to enable the Junior Merchants to carry on their business, affords us the highest satisfaction.

144. We have on former occasions so fully submitted our sentiments on this subject to your Honourable Court's consideration, that it is scarcely necessary for us here to repeat, that the continuance of the Hongs in question we consider to be of the greatest importance, not only to the interests of the Honourable Company, but to the foreign trade generally. We hope that no circumstances will be permitted to occasion any material interference or interruption in the arrangements at present existing for the extrication of the Junior Merchants from their embarrassments.

145. Our discussions with the Chinese Government during the last, and at the commencement of the present season, having been already transmitted, your Honourable Court will have been enabled to judge how powerfully the present system

system for the continuance of the Junior Merchants in business was assailed, first by the provincial officers, and afterwards with the authority of the Pekin Government.

146. From the tenor of our communications during the last season, your Honourable Court will have observed that we considered the discussions in which we were involved not only during that period, but also in the year preceding (when the question relative to Mr. Roberts was agitated), to have had their origin in a plan for the removal of the Junior Merchants, when the arrangements made for their extrication from their embarrassments must necessarily have ceased.

147. The project to effect the removal of the Junior Merchants was very deeply laid, and very powerfully assisted, first by the superior provincial officers, and subsequently by the Imperial authority; and we believe, from what has since occurred, that nothing but the superior officers of Government becoming convinced that the removal of the Junior Merchants would be followed by the suspension of the foreign trade, preserved them from being declared bankrupts, and sent into banishment.

148. On our Public Proceedings, under date the 1st December, the official reply of the Viceroy and Fooyuen to the Emperor on this subject is entered; this document, we are informed, may be considered conclusive as to the continuance of the Hong of the Junior Merchants, and we hope that they are not likely to be again disturbed.

149. Under the conviction that it is of the highest importance to the interest of the Honourable Company that the Junior Merchants should be extricated from their embarrassed situation, we shall not fail to consider it our special duty to afford every possible assistance in forwarding so desirable a measure, and in giving effect to such arrangements as the trustees may have in view for that purpose.

II.
China Papers.

Embarrassments
of the
Hong Merchants.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 23d February 1816.

Par. 11. YOUR Honourable Committee will see recorded on our Public Consultations a translation of the Imperial Edict in favour of the Junior Merchants, which we trust may be considered conclusive of their future stability.

12. Our faith in this document, together with a conviction that the general interests of the trade require us to give every possible effect to the instructions of the Honourable Court, in favour of supporting the credit of the Junior Merchants, have induced us to give them the aid of the Honourable Company this season towards the discharge of another instalment of their debt to their European creditors, although the large arrear due by them for the amount of the duties advanced by Pinqua and others, upon the Company's security, might otherwise seem to demand our prior and exclusive attention for its liquidation.

13. But we have considered it our duty on no account to allow the favourable effect upon their credit, arising from the late Imperial Edict, to be counteracted by the discouraging circumstance immediately following, of their total failure in respect to a present dividend, and which failure might have the effect of reviving, in the minds of impatient and ill-judging individuals, a wish to resort to other more summary modes of obtaining, or of at least applying for justice against the Hong Merchants, and whose effects, whatever they might be to the creditors themselves, we know would be decidedly and unequivocally pernicious to the interests of the Honourable Company.

14. The arrear for the amount of duties we fear we shall find to be augmented by the further sum of about 100,000 tales, which Pinqua has informed us, with some degree of mystery, is the probable amount of the sacrifice they will have ultimately to make to the officers of this Provincial Government (as alluded to in our Secret Consultations of the early part of this season), for their assistance in averting the destruction which hung over them.

15. We have only to hope that the increasing credit and respectability of these Merchants, will enable them to carry on their business so successfully, as to admit of their setting apart a sum out of their profits, adequate both to the discharge of their European debt, and the portion of the Chinese debt guaranteed as above by the Company, within a reasonable period.

II.
China Papers.

Redress of
Grievances, &c.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 28th January 1831.

Par. 21. IN our Public Consultations, under date 5th January, your Honourable Court will observe a letter and enclosure from Mr. Jardine, acting as trustee in behalf of the creditors of Chunqua's Hong.

22. These claims have been in abeyance for nearly two years; and as it appears that the creditors were now quite hopeless of obtaining any redress or justice, excepting through the influence which we might possess with the Chinese Government, they applied to us for aid, which, under the circumstances of the case, we have considered it our duty to afford them.

Jan. 5, 6, 12, 15, 25. 23. We beg leave to refer your Honourable Court to our Public Consultations, under the dates noted in the margin, for the detail of the negotiations we have entered on with the Government; and the statements made by the Hong Merchants on this subject. We are happy to say that we have been so far successful as to obtain an acknowledgment of the justice of the claims, and that the Cohong hold themselves responsible for the discharge of the debt. We have also obtained a positive pledge from the Merchants, that two lacs of dollars shall be paid before the new year, and a third lac during the 4th moon of the ensuing year, being the proceeds of the disposal of a part of Chunqua's property.

(8.)—ATTEMPT OF THE CHINESE TO ESTABLISH A COHONG.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 22d February 1814.

Attempt to
establish a Cohong.

June 18, 23;
July 17;
August 4, 5.

Par. 275. IN our proceedings, as stated in the margin, your Honourable Court will observe the attempt that was made in the early part of the season to establish Cohong Regulations, and the steps taken by the Committee.

276. Immediate application was made to the Merchants and Hoppo, from whom we received the strongest assurance, that as far as Europeans were concerned, nothing was intended; the latter asserting, that it was merely for the purpose of insuring the payment of the Imperial duties, and the Merchants that the regulations existed merely in form.

277. How far these assertions may be relied on, remains to be proved. Hitherto the form of affixing a value on the goods is all that has been attempted; nor has it had the effect of preventing higher duties being given the day following; and it may be further observed, that Pinqua, who, as director, established 13*l.* 7*m.*, as the price for the Company's cotton, subsequently purchased it at 14 taels per pecul.

278. If the establishment of a Cohong system was to be seriously attempted, it would become the duty of all trading to this port firmly and decidedly to resist; much delay and inconvenience might arise from the discussion; at the same time there appears good grounds to believe, a united and well conducted resistance would ultimately prove successful.

EXTRACT LETTER from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 22d February 1814.

June 17; July 4;
August 11.

Par. 22. WE have recorded, under these dates, some communications made to us relative to the establishing the Cohong system.

23. The Merchants most positively deny all knowledge of the proposition having been made, and at the same time express their decided objections to the establishing this system; how far they are sincere it is impossible to say; but we have little to depend on either their liberality or their judgment, for if they possessed either, the attempt would be decidedly discouraged, as the ultimate ruin of the trade must be the result of the establishing such a system.

24. For the present we are disposed to believe that it is merely a form gone through of affixing a price on all goods at the Consou house. Should the attempt be seriously made to establish the system, it will require the firm and decided refusal

refusal, on the part of Europeans, to trade till these regulations are rescinded ; and if properly pursued, this mode of resistance will doubtless prove successful, although considerable delay may be the consequence.

II.
China Papers.

Attempt to
establish a Cohong.

EXTRACT LETTER in the Secret Department, from the President of the Select Committee at Canton to the Chairman of the Court of Directors, dated 23d February 1815.

Par. 2. ON the 11th I received privately a copy of an Imperial Edict from Pekin respecting the Foreign Trade. A translation of this document I consider it proper to transmit to you by the earliest conveyance that offers.

3. This document confirms the apprehensions entertained by the Select Committee, that in the proceedings of the Canton Government, particularly in the months of September and October last, some attempts were meditated against the privileges allowed to the Foreign Trade, by the establishing the Cohong ; and in order the more effectually to carry this point, the ruin and removal of some of the Junior Merchants, who might be disposed to assist us in resisting the project, was in contemplation.

4. By the measures of resistance adopted by the Committee, the attempt appears to have been defeated for the time, as the officers of the Canton Government found themselves placed in too delicate a situation (the prospect of the Foreign Trade being completely interrupted), to persevere on their own authority. The instigators of these attempts were therefore obliged to look for further assistance, and, by a course of intrigues, it would appear that they have succeeded in gaining the Imperial sanction ; evidently, however, by imposing false statements on his Majesty.

5. From a perusal of the document it will at once appear that the complaint of an *unequal distribution* of the Company's business must come from one of the Senior Merchants. Unless urged by one of these, a circumstance so entirely out of the concerns of the officers of Government could not have been thought of ; indeed, the whole of the contents of this document, when we connect them with the occurrences of this season, as also of the last, (namely, the order to establish the Cohong system in July 1813, and the discussions respecting Mr. Roberts), all tend to confirm me in the belief that these measures originate either with Pinqua or Chunqua, for Mowqua appears to stand completely acquitted.

6. The little cordiality shown by Pinqua generally towards the English, and an equally strong bias towards the Americans, with whom he has many concerns, and whose ships are loaded on his own account, might induce suspicions to be attached to him ; but then again, his general conduct in supporting the Junior Merchants, by assisting them in arranging their contracts, his becoming security for, or in advancing their duties ; and his arguments to me have invariably, when the situation of these Merchants was discussed, been in favour of their being supported. These circumstances, combined with his known dislike to any intercourse with the officers of his government, strongly concur in inducing the Committee to exculpate Pinqua ; while, from every concurring information and circumstance, there appears to be equally strong and sufficient reasons for fixing the measure on Chunqua.

7. The official Edicts respecting native servants, the seizure of the Linguist Ayeu, the fomenting the irritation of the Government, in consequence of the supposed continued aggressions on Chinese neutrality by His Majesty's ship Doris, had for their object the involving the Committee in a serious discussion with the Government, in which it was no doubt fully expected that the Committee would have been intimidated into submission, and compliance with any measures that might have been resolved on by the Canton Government. These measures would have been the ruin and removal of several of the Junior Honges, and the establishment of the Cohong system, of which, from his influence, Chunqua would have become the sole director. By effecting the removal of the other Merchants, a larger proportion of the Foreign and Company's trade would have fallen to his share, whilst he possessed the means and authority to affix the prices of all commodities.

8. On the trade being suspended by order of the Viceroy, in September, had the Committee proceeded to request the Government to withdraw its prohibitions, or had any anxiety been expressed on the subject, the price of loading the ships would have been the completion of Chunqua's views ; finding, however, that the Committee took such decided measures, and that they also refused to trade,

II.
China Papers.

Redress of
Grievances, &c.

the Viceroy and Canton Government became alarmed as to the consequences to themselves, and were therefore unwilling to proceed, and accordingly the arrangement with Sir George Staunton was effected.

9. From the information that I have been enabled to collect, it appears that the Viceroy and superior officers of the Canton Government were by no means aware of being (as they were in fact), tools in the hands of Chunqua, or were they made acquainted with the precise objects he had in view. Living entirely removed from all intercourse with foreigners, the superior officers of the Government are generally very ignorant respecting foreign trade, and are enabled to form but very imperfect ideas of the character and conduct of the Honourable Company's servants; hence, by gaining the persons about the superior officers, whether relatives, clerks or domestics, Chunqua is enabled to give a bias on the occurrence of any affair; and on this their officers ground their proceedings.

10. From the tenor of the document, as it relates to an inquiry into the debts owing by the Junior Merchants, proposing their removal, and future regulations for the trade, it will be obvious that it is of most serious import to the interests of the Honourable Company in China. If these orders are carried into effect, and the Merchants are declared bankrupts, their debts, to the amount nearly of 4,000,000 of dollars, would remain to be levied from the trade in the shape of Consol charges. A circumstance, in my opinion, not more to be dreaded than that the trade should fall under the exclusive management of one or even two Merchants. To preserve the trade from this most serious injury, it will require every exertion that the Committee have it in their power to make, by firmly resisting, or in other words, by suspending the trade, should the Merchants be threatened, and at the same time to endeavour to impress on the Viceroy the serious consequences that will follow.

11. The personal attack on Sir George Staunton may almost be considered unworthy of notice. It proves that no measures will be left untried to carry their point. It was expected (as it was, no doubt, when the objections to Mr. Roberts were revived) that this personal attack would have the effect of intimidating, and operate in preventing any resistance on the part of the Committee, from an apprehension of personal loss and inconvenience to themselves. The Committee can only rely on the confidence and support to be given them by the Honourable Court of Directors; for unless they shrink from the discharge of their duty, and surrender the conduct of their affairs to the management of Chunqua, they must be prepared to expect that these personal attacks will be repeated. There is in fact no charge, of whatever nature it may be, whether of treason against the State, or a violation of the laws and regulations of the Empire, that Chunqua may not procure to be alleged against any Member of the Committee; and with the same facility, by means of the bamboo or torture, any number of witnesses may be brought forward to attest the truth of the accusation.

12. It is impossible for me, at present, to say what measures the Government may pursue in consequence of this Edict, or whether further orders may be received from Peking. I am unable, therefore, to state what measures the Committee may be called on to adopt to defeat their projects. I chiefly rely on the conviction with which I trust the Government and the Merchants are impressed, that the Committee will not submit to the proposed regulations; and the attempt to carry them into effect will be the ruin of the trade.

13. The serious consequences that may be expected to follow the suspension of the foreign trade have, I understand, been already brought to the consideration of the Viceroy and superior officers of the Provincial Government. The number of persons of various descriptions that would be deprived of employment and exposed to want, would soon become discontented, insurrection and disturbances, bands of robbers by land, and pirates by water, would be the consequence, and which this weak and corrupt Government cannot contemplate without the most serious apprehensions.

14. From the communications that have been made to the Honourable the Secret Committee, more particularly in the last and present season, the anxious and difficult situation in which the Select Committee are placed cannot fail to appear. It will be seen that the extensive trade carried on, sufficient to excite the views and designs of interested persons, is wholly unprotected by any laws or regulations. From the systematic corruption and venality of the officers of Government, those who should be the protectors of the trade are found to be leagued against it. It will be seen that little or no assistance is to be derived from the
other

other Hong Merchants, who scarcely can be depended on for even communicating what occurs. The Committee have therefore only to rely on their judgment to decide on, and their firmness to persevere in, the measures they may adopt to prevent the injury that the trade is threatened with; as their representations and remonstrances are either rejected or not attended to, there remains no alternative, to obtain a hearing or redress, than suspending the trade they are appointed to carry on.

15. The disadvantages that the Committee labour under in being compelled to resort to this extreme measure, are obvious. The injury and the loss that must necessarily attend an interruption to the trade, cannot but strongly induce a disposition to question the expediency or the necessity for the measure. Many points may induce a discussion with the Government, that may at first sight appear trivial; while to those more experienced, and more intimately acquainted with the character and conduct of the officers of the Chinese Government, are known to involve most important consequences. It may be further noticed, that the Chinese officers of Government, habituated in deceit and misrepresentation, assume a plausible and specious mode of reasoning, that it is calculated to mislead those who have to judge at a distance. We rely with confidence on the discernment and on the indulgence of the Honourable Court of Directors, at the same time, from the considerations here adverted to, however the Committee may feel satisfied, and know that they are duly discharging the duties of the important trust reposed in them, cannot fail to excite a degree of anxiety as to the future decision that is to be passed upon their conduct.

16. In the situation in which the trade is placed, it is liable to be interrupted at the caprice of an individual; and should the Viceroy for the time chance to be rather more ignorant, and at the same time more violent in disposition than his predecessors, a complete interruption to the trade must inevitably ensue.

17. There appears to be no mode so likely to prevent these injurious consequences than that of establishing a direct and frequent communication between the two Governments. Missions on a far more moderate scale than the former Embassy may prove fully as efficacious. No particular act or appearance of favour, or concession, need be expected from the Chinese Government. The beneficial effects will be in placing the British nation on a more respectable footing with respect to China; and their frequent communications, independent of the superior advantage an Embassy will now possess of English interpreters, will prove to the Provincial Authorities that remonstrances can be conveyed to Peking.

I have the honour to remain, Honourable Sirs,

Your most obedient humble servant,

(signed) *J. T. Elphinstone.*

Canton, 23d February 1815.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 11th March 1815.

Par. 4. WE have the honour to forward by the Cambridge a copy of our proceedings in this Department since the departure of the Earl Spencer, to which we beg to refer your Honourable Committee for the detail of the important documents issued by the Chinese Government respecting the Foreign Trade, together with our sentiments thereon.

5. By the Russian ship Henry, our President had the honour to forward, addressed to the Honourable the Chairman, a copy of the Edict received from Peking, recorded in our diary under date the 11th February.

6. Since that date we have obtained the copy of an Imperial Edict, being in reply to the statement made by the Viceroy from Canton on the 30th November, wherein certain regulations for the Foreign Trade were proposed, the documents are recorded under date the 3d March.

7. In our Consultations of the 11th February and 3d March, we have endeavoured to trace and to explain the causes that have excited the Chinese Government to the measures they have adopted in the last and in this season, it will appear that the influence and the intrigues of Chunqua, combined with the want of firmness, and in the case of the discussion respecting His Majesty's ships, a want of inclination on the part of Pinqua, may be considered as the sources from whence our serious differences have proceeded.

II.
China Papers.
—
Redress of
Grievances, &c.

8. In consequence of the resistance made to the measures of the Canton Government in October and November, and the arrangements they were induced to accede to with Sir George Staunton, Chunqua may be considered to have failed at that time in establishing what he had in view, namely the removal of some of the Merchants, in order that he might have a larger proportion of the trade, and the establishment of the Cohong system in order that he might conduct that trade as it best suited to his purposes.

9. Determined, however, on making further attempts, he appears to have obtained by his influence a communication to be made to his Imperial Majesty, whereby misrepresentation as to the state and conduct of the Foreign State, certain precautionary regulations were expected to be directed, as would be suited to his views; and in order to secure compliance on the part of the Committee, the personal attack, and charges alleged respecting Sir George Staunton, appear to have been brought forward; these, it was no doubt expected, would fully answer the purpose of intimidating and of deterring any servant of the Honourable Company from disputing his wishes.

10. As far as the regulations respecting the Foreign Trade go, it would seem that there is a singular coincidence in the report made by the Viceroy and that made through the influence of Chunqua. The report respecting Sir George Staunton is altogether without the knowledge of the Viceroy, while the recal of Puankhequa to officiate as head Hong Merchant is known to be wholly independent of Chunqua, as in fact no measure could more completely check his view and designs than the return of Puankhequa.

11. How far the Viceroy and Fooyuen acted under Chunqua's influence is therefore uncertain; or whether it still continues to operate and direct their decisions, under the circumstances in which the Foreign Trade is placed, viz. a Merchant possessing the extraordinary talents for intrigue, and the influence that Chunqua appears to possess, the extraordinary state of alarm and irritation that the distracted state of the empire seems to have occasioned to the Imperial Government, while at the same time the provincial authorities seem to be particularly ill-disposed, the return of a person of Puankhequa's character and firmness may be expected to be attended with beneficial effects.

EXTRACT LETTER in the Public Department, from the Select Committee of Supracargoes at Canton to the Honourable Court of Directors, dated 26th March 1817.

Par. 13. THE judicious measures adopted by our predecessors to check the Senior Merchants in their endeavours to establish the Cohong system, we hope have had their due effect, at least there does not appear any outward or public wish to continue the attempt. The formal observances are still continued, and the three Merchants are only admitted to the Viceroy's presence; but we are inclined to believe our firm resistance to this measure is so well understood that no serious attempt will be made.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 19th March 1825.

Par. 40. IN discussions with the provincial officers we have always evinced to the Hong Merchants our sense of the impropriety of conducting any public business to which every Hong Merchant is not a party; the only way we possessed of demonstrating our opposition to the formation of a Cohong was by always insisting on the attendance of all the Merchants when the two Senior Merchants presented themselves with letters or communications with the Government.

41. It is long since the establishment of a Cohong for commercial purposes was directed by the Provincial Government; nor are we aware of any attempt on the part of the Senior Merchants to control the proceedings of their junior colleagues, or the existence of other influence than that which Pinqua naturally derives from the obligations which his wealth has enabled him to confer upon the principal part of the Junior Hongs.

42. From

42. From the division of interests which now exists among the Senior Merchants, there is little dread of any injury being derived to the commercial interests of the Company by their coalition. Chunqua and Pinqua may rather be looked upon as contending rivals than be dreaded for the establishment of a community of proceedings.

II.
China Papers.

Attempt to
establish a Cohong

EXTRACT LETTER in the Separate Department, from the Select Committee at Canton to the Court of Directors, dated 28th January 1830.

Part of Par. 7. THE forfeiture of the pledge given to foreigners by the Viceroy, that the elder Chunqua should be caused to return to Canton, is greatly destructive of confidence in the promises of the Government. Without entering into discussion upon the probable causes of such inconsistent acts, we could only come to the decision that the Cohong system would be thereby established, which, by placing the trade under the immediate control of the local government, facilitates their views of private emolument, imposes fixed prices upon import and export commodities, and, by destroying importation, throws the whole weight of government extortions upon the Tea Trade of the Honourable Company.

Par. 8. The present state of the Hong appears to afford a tempting opportunity for the introduction of the system to which we allude. At the head is Howqua, a Merchant of great mercantile talent and property, estimated to be of large value, but which, united with the natural timidity of his disposition, renders him an easy prey to the avarice of the local officers. Puankhequa, though supposed to possess a considerable property, cannot compete in trade with Howqua, and has always confined his dealings within fixed limits, conducting them in conformity with the views of the Senior Merchants. Mowqua, long a debtor of Howqua's, has lately increased his obligations to maintain the very existence of his Hong. At the time that this subject was under our consideration the Hong of Chunqua was necessarily deemed to be extinct. The respectability of the Hong of Goqua depends upon the life of a relation of the Merchant, now rendered exceedingly precarious by age and sickness. It owed its restoration from bankruptcy in 1814 to a loan from Howqua, and since that time has paid submissive deference to the will of that Merchant. The Hong of Kinqua and Fatqua cannot be viewed, commercially speaking, as of independent character.

9. From the foregoing considerations, it results that Howqua exercises unlimited power over the interests of the whole foreign trade, while he is himself as immediately subject to the control of the Government. The establishment of the Cohong system is virtually effected, and it has been lately exemplified in the case of the American tea trade, the circumstances of which are as follows :

10. Upon the suspension of our trade this season, the American Merchants, encouraged by the prospect of being the sole purchasers of tea in the market, combined to reduce the price of that commodity below the standard of last year. This combination was for some time steadily adhered to, but was finally overruled by the influence of Howqua, and prices exacted exceeding considerably those of the preceding season. The American Merchants have been compelled to submit to this increased appreciation, which in some kinds of tea has amounted to eight taels per cent.

11. A desire to destroy competition in trade has long characterized the policy of the Chinese Government. It was counteracted by the firm resistance of Mr. Elphinstone, President, with his colleagues the members of the Select Committee, in the year 1814; and the good effects of that decisive stand have extended up to the present time. The Hong of Chunqua and Mauhop have of late years been principally instrumental in maintaining competition of prices, and we viewed with sincere regret a door opened for the introduction of the restrictive system, by the insolvency of the two Hong above-mentioned.

12. It is unnecessary to point out to your Honourable Court the ruinous prospect threatened to commerce by the exchange of commodities at fixed prices dictated by one party. Competition must ever be deemed the source of spirit and energy in trade; when withdrawn, a gradual decline will ensue in all countries, but especially when, as in this, it is accelerated by the rapacity of a local government indifferent to every thing but temporary advantage to themselves.

13. We have dreaded the approach of this alarming condition of affairs, through the whole progress of our proceedings, and we view the prevention of it as of

II.
China Papers.
—
Redress of
Grievances, &c.

greater importance than all the other subjects which we have brought to the notice of the Government unitedly. Our suggestions of improvement of system, and our claims for the redress of grievances, have indeed all been founded upon the principle of averting this great and impending evil, the precursor of the total annihilation of the trade. But if the Chinese Government would have replaced affairs in such a state as to remove these apprehensions, by the restoration of the Hong of Chunqua, and the establishment of new Hongs of respectability and property, even to a limited number, we should have been induced to wave other considerations. We beg to explain distinctly to your Honourable Court, that our proposals of reformation were founded upon the fact, which was acknowledged by the Government itself, that natives of substance would not engage in the foreign trade under the old system. We have never wished to force a commercial code upon the Chinese authorities, at variance with the regulations of the Empire, but considered it incumbent to point out impediments, when the plea of impracticability was urged in defence of our non-compliance with the positive commands of the Court of Peking.

14. Seeing that the evil which we had dreaded at the commencement and through the progress of this discussion, the introduction of the Cohong system, could no longer be viewed as a matter of doubt and speculation, but had actually been put in force, we turned our attention to the circumstances under which we could renew commercial transactions, subject to the baneful influence of its action, and endeavoured to form an estimate of the probable success of our endeavours to resist it.

(9.)—EMBASSY UNDER LORD AMHERST.

EXTRACT LETTER in the Secret Department, from the Select Committee at Macao to the Secret Committee of the Court of Directors, dated 6th June 1816.

Lord Amherst's
Embassy.
—

Par. 4. HIS Majesty's ship Orlando having put us in possession of your Honourable Court's Instructions of the 15th and 25th September and 4th October 1815, and the intelligence of the intended Mission having almost immediately after began to circulate among the Portuguese at this Settlement, upon the receipt of their newspapers by their ships from Bengal, we were sensible that not a moment was to be lost in anticipating the effects of false and unauthenticated reports, by a full and official communication on the subject to the local government.

5. On the 28th ultimo, we accordingly addressed his Excellency the Foo-yuen, (who is the acting Viceroy,) on this important subject, and transmitted our despatch express to Canton under cover to the Hong Merchants. We have since had the satisfaction to learn from two Hong Merchants, who were ordered to proceed to Macao by the Foo-yuen, that his Excellency has opened and read our address, and has engaged to forward a despatch on the subject express to Peking, the moment he has received our replies to certain queries of no material importance, which were received on the 3d instant, and the answers transmitted by us to Canton to Sir Theophilus Metcalfe the same evening.

6. Sir Theophilus Metcalfe returned to his station from Bengal, and took his seat as second member of this Committee, on the 30th ultimo. On the same day, the arrival of the Honourable Company's ship Thomas Grenville put us in possession of the letter from the Earl of Buckinghamshire to the Viceroy; and Sir George Staunton feeling it his duty to await at Macao the arrival of his Excellency the Ambassador, Sir Theophilus Metcalfe readily offered his services to proceed to Canton in execution of the instructions received on this subject from your Honourable Committee. He left Macao in a chop boat on the 1st, accompanied by Mr. Morison, Mr. Daniell and Captain Clavel of His Majesty's ship Orlando, and we are in hourly expectation of some account of the opening of the business of his mission.

EXTRACT LETTER in the Secret Department, from the Select Committee at Macao to the Secret Committee of the Court of Directors, dated 7th July 1816.

II.
China Papers.

Lord Amherst's
Embassy.

Par. 1. WE had last the honour to address your Honourable Committee in this department on the 1st of June, by the American ship Beverley, and have now the honour to forward a duplicate of the same.

2. In our postscript to that letter we informed your Honourable Committee that necessary arrangements had been made at Canton for presenting the letter from the Right Honourable the Earl of Buckinghamshire; we have now to congratulate your Honourable Committee on the readiness shown by the Fooyuen (acting as Viceroy) to receive this communication, and the letter was placed in his hands by Sir Theophilus Metcalfe, within four and twenty hours after his arrival at Canton. A requisition was made by Sir Theophilus Metcalfe to be allowed the privilege of a seat during the audience; but this was refused, on the ground of the necessity on this important occasion of receiving this letter in the public hall of the palace, called the Emperor's Hall, in which Mandarins of high rank, who must be present, would be standing; it was added, that should the Fooyuen require further information, he would receive Sir T. Metcalfe in a private room, and a seat would be granted. As at that time we were in daily expectation of the arrival of Lord Amherst, it was highly desirable to meet the readiness shown upon this occasion, and of the utmost importance to ensure a speedy notification of the approach of the Embassy at Pekin. Sir T. Metcalfe therefore judged it proper to waive this privilege on the present occasion, and would not delay the communication by entering into a negotiation of which there appeared little prospect of success. On the 4th of June, Sir T. Metcalfe proceeded to the city, accompanied by Captain Clavel and such gentlemen of the Factory as were in Canton. He expresses himself much pleased with the reception he met.

3. On the 5th a set of interrogatories were brought to the Factory by the Merchants, which they asserted they were directed by the Fooyuen to put to Sir T. Metcalfe. To these appropriate replies were given. The Merchants declared that the report would be sent to Pekin on the following day, and every thing appeared most satisfactory.

4. In a few days after it appeared that Captain Clavel's name had been put first in the paper delivered by them to the Fooyuen, and that he was considered as the person who had presented the letter. The Merchants called at the Factory to state that they had received an order directing them to give a bond, securing that the four gentlemen who presented the letter should remain for the answer from Pekin; Sir T. Metcalfe could not but express his displeasure at this act of the Merchants, as they had been fully apprised of the object of Captain Clavel in accompanying him, arising from a wish to pay his personal respects to the Fooyuen. With respect to any bond of security, they were at liberty to act as they pleased; with respect to Sir T. Metcalfe, who would undoubtedly remain for the answer; but they were warned of evil consequences to themselves should they bind themselves for any other person, more particularly a Captain in His Majesty's Navy, who they well knew was independent of the Select Committee. The measures adopted by Sir T. Metcalfe to assist the Merchants in this dilemma are recorded in this department, and we trust will meet the approbation of your Honourable Committee. This affair occasioned the Merchants much trouble and long attendance at the palace for some days, and was as usual got rid of by an expedient.

5. Every thing appeared to go on satisfactorily when Sir Theophilus Metcalfe left Canton, excepting some private communications from Howqua and Puankhequa, with a view of dissuading Sir George Staunton from accompanying the Embassy. These are recorded on the 20th ultimo, in a report from Sir T. Metcalfe; and we beg to draw the attention of your Honourable Committee to the minutes entered on this subject by that gentleman and the President on the 28th of June. Similar communications have since been made to Mr. Robarts, and it is not impossible that some intrigues or secret influence may be yet employed, but we are willing to hope will not be attended with any success to the ultimate prejudice of the public interests.

6. The only reply which we made at the time to this communication was, that we had not yet received His Royal Highness the Prince Regent's commands on the subject; but that whatever they were, they certainly would and must be strictly obeyed.

I.
China Papers.
—
Redress of
Grievances, &c.

7. These communications have appeared to us wholly undeserving of attention, because we considered the objections of the Hong Merchants, expressed probably at the instigation of the local government, to arise entirely from those very circumstances which led to the determination of the authorities in England to consider Sir George Staunton as a proper person to be nominated a member of the Mission, and that they are in fact not so much personal objections to him as objections to those objects of the Embassy, which the presence and co-operation of a person acquainted with the language of the country, and the late proceedings of the local government, may be supposed calculated to promote.

8. We have however laid these, and all other facts connected with the Embassy, unreservedly before Lord Amherst, in our several letters (as recorded) to his Excellency's address, and these circumstances will be further detailed by Sir George Staunton in person.

9. Sir George Staunton requests us also to assure your Honourable Committee, that should His Majesty's Commissioners take a different view of the subject from ourselves, no personal consideration of his own shall in the smallest degree interfere with the complete carrying into effect, of what they shall deem upon consideration best for the public service.

10. The delay which has taken place in the arrival of his Excellency the Ambassador, has exceeded all reasonable calculation that could have been formed, and placed us in a very painful state of suspense and perplexity.

11. The season is now so far advanced, and the answer from Peking in all probability so very near at hand, that we have at present no other alternative but that of either waiting the arrival of the Imperial Edict, and thereby exposing His Majesty's Mission to all the hazards so much deprecated in your Honourable Committee's letter of the 27th September, or to resolve on Sir George Staunton's proceeding at once to sea, with the other gentlemen attached to the Mission, and meeting the Ambassador at some place of rendezvous, where some further measures might be concerted without interruption, and whence the Embassy might ultimately proceed, if deemed advisable, without being exposed to interference or detention on the part of the Canton Government.

12. It would have been more pleasant and satisfactory to ourselves to have awaited the receipt of a more detailed communication of his Excellency's wishes, as well as more recent instructions from your Honourable Committee, but the instructions and advices already received fully authorize, in our opinion, the proposed step, and its expediency under present circumstances appearing to us to admit of no doubt, it has only remained for us to adopt such a style of communication on the subject to the local government, as might not in any event commit his Excellency or our honourable employers, and yet preclude all imputation of a mysterious or clandestine proceeding.

13. We trust it will satisfactorily appear by the letters recorded on our Secret Proceedings, that we have done our utmost to reconcile these objects, and we feel assured that your Honourable Committee will readily perceive, that the difficulties which we now lament were such as no foresight or precaution could have prevented; for although at the time the embassy was announced, its approach was daily expected and calculated on with a well-grounded confidence long before the present moment, the secret was not in our power to withhold (being universally circulated by letters and newspapers,) and therefore an authentic and official report was the only resource left against the most fatal and injurious misrepresentations from private sources.

(10.)—COMBINATION OF THE TEA MERCHANTS IN CHINA.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 10th December 1819.

Combination
of Tea Merchants.
—

Par. 10. FINDING at the present advanced period that the dispute was not in a channel of adjustment, and the teas immediately required being consequently unavailable, we have deemed it incumbent upon us to take more active measures for the assistance of the Hong Merchants, and the most ready means that presented themselves are the holding out such a threat of the non-acceptance of any teas tendered or manufactured by them, as may induce the principals, who are represented

sented as exercising overbearing influence by their secession, to weaken and perhaps abolish the existing combination.

11. The principal feature in the terms required by the Tea Manufacturers is the retention of the whole chop in their warehouses, until a sufficient number of chests being inspected and approved by the Hong Merchant, the sale is to be finally concluded, and no longer subjected to the influence of any reduction, which, from inferiority to muster, or other causes, we may deem it necessary to impose.

12. Our conviction of the necessity of resisting an innovation fraught with such danger to the future quality of the teas, to the interests of the Junior Merchants, the re-establishment of whose circumstances we are so desirous of effecting, and opening the door to future demands, which the successful result of the present might encourage the manufacturers annually to prefer, has induced us to view the possible detention of the fleet, and even a sacrifice of some of the superior teas, as the preferable alternative to the introduction of a measure, which once established, we might in vain endeavour to remove.

13. The Merchants were accordingly summoned, and informed that a manufacturer named Pun-luy-lau, supported by Tsuyu-Mow and Tsong Fong, having been represented to us as the principal leaders of this obnoxious combination, it was our intention, if this affair was not immediately arranged, to form the unalterable resolution of not receiving any teas purchased from them, except on the terms and conditions of winter purchases. After some observations from the Merchants, who attributed the present coalition to the rigour with which these teas are now appreciated and reduced, they promised to communicate our resolutions to the manufacturers, which they conceived might be attended with good effect, and were rather sanguine in their expectations of the speedy restoration of the commerce to its former footing.

14. It is impossible for us to anticipate with any degree of certainty the success of this measure, or the result which may attend the exertions of the Hong Merchants in quashing this combination, but your Honourable Court may rely, that the detention of the ships, or the compromise of the immediate interests of the Company, however temporary, will not be resorted to by us, unless imperiously called for in prevention of prospective evils of far more serious character.

II.

China Papers.

Combination
of Tea Merchants.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 10th January 1820.

Par. 28. WE now proceed to lay before your Honourable Committee an abstract of such part of our Consultations as relates to the difficulties we have experienced from the combination of the Black Tea Merchants.

29. After the late despatch, finding that the teas immediately required by us were unavailable, and that the dispute still remained without any prospect of an adjustment, we deemed it necessary to call upon the Tea Merchants themselves for a statement of their real requisitions; and, accordingly, received from them a letter, in which they made no abatement whatever in the most obnoxious part of their former demands, as they still insisted that the teas upon delivery should not be subject to a reduction in price, on being found inferior to the muster.

30. We then considered it our duty to adopt some decisive line of conduct, and having no doubt of the combination being alone upheld by Puan-luy-lau, and two or three others of the more opulent Teamen, while those who were less able to support it would willingly give in to our terms, we framed a proposal which could afford no reasonable ground of complaint to the former; but which being rejected would ensure their punishment; and by its advantages tempt the latter class to recede from the combination.

31. Having, in the first instance, summoned the Merchants, and required from them the names of the manufacturers of the several chops of tea tendered to us of contract quality, they were next desired to demand specifically of Puan-luy-lau, if he was willing to furnish his teas under the following stipulations: "That in order to obviate the objections of the whole chop being marked previous to its final acceptance (an objection of which we could not deny the validity, since, in the event of a chop being rejected, its value was thereby deteriorated), 30 chests only should be taken out of their mat casings for examination and taring, and on

II.
China Papers.

Redress of
Grievances, &c.

their agreement with the muster chest should depend the acceptance or rejection of the whole chop."

32. The price we offered for the

					<i>t.</i>	<i>m.</i>
1st class of teas was	-	-	-	-	19	5
2d	-	-	-	-	18	5
3d	-	-	-	-	18	-

33. Two days were allowed for the consideration of the above proposal, and at the expiration of that period the refusal of Puan-luy-lau being implied by his silence, we sent back the musters of those chops belonging to him which had been tendered to us.

34. We determined then to make the same proposal to Heng Chun, another of the leaders of the cabal, and, in the event of his refusal, to offer generally to receive teas of any Merchant who would furnish them in the manner we wished. Should they all persist in non-acquiescence, we resolved to offer such a price to the dealers, whose chops had been thrown out of our investment as below contract quality, as we had every reason to think they would accept, in spite of any threats that might be held out by the others.

35. We were not unaware of the risk which we hereby incurred of some of the superior chops being withdrawn from our investment, and that we might be compelled to purchase indifferent teas at high prices; but we considered such an alternative as preferable to submission to the terms of the Tea Merchants. We were sensible too of its being contrary to all probability, that a numerous body of men, whose decided interest it was to accept of the terms offered to them, would continue to be held in thralldom by a few individuals whose large capitals enabled them to bear the heavy loss arising from the present delay.

36. On the 29th ultimo we learnt, that Heng Chun had not only refused to deliver his teas on the terms proposed to him, but that the Tea Dealers had assembled and signed a declaration not to deliver a chest until we had first received the chops belonging to Puan-luy-lau and Heng Chun. It then became necessary for us to consider what temptation in price we should offer to the owners of the teas which had proved below contract quality.

37. In forming our determination on this point, we conceived that when the importance of the object to be gained was taken into consideration, such decidedly advantageous terms should be held out as could not be rejected by the poorer Tea Merchants. It was resolved, therefore, that the price offered to them should be 18*js.* In the event of the success of the proposed measure, it was at the same time necessary to guard against the obligation of receiving teas of very inferior quality, and to a great extent at the enhanced price. We determined, therefore, to limit the teas to be received to the character of ordinary and good ordinary, and to the extent of 10,000 chests. This limitation we conceived might besides be attended with the good effect of creating a competition to participate in the advantages held out.

38. From the great extent of the tonnage of this season, we cannot have at our disposal above 30,000 chests of Congo at winter prices, even after receiving green teas of a lower order than is customary. This is very short of the quantity we could wish to obtain, when we consider that the investment of 1819-20 is estimated, in the Honourable Company's letter of the 18th May, at 27 millions of pounds. To complete this will require 230,000 chests of Congo; and as we do not deem it advisable that our contracts should exceed 160,000 chests, it was our duty to endeavour to throw as large a portion as possible of the teas of the present season into our winter assortment.

39. We therefore agreed to receive at winter prices a few chops of the last season still remaining in the market, and, with the same view, have at Manhop's earnest solicitation, and on his satisfying us of his ability to complete his contract of Bohea, of undeniable quality, been induced to receive at the price of 12*t.* 5*m.* that portion of Bohea furnished by him, which was rejected at the packing, amounting to 270 peculs.

40. Anxious to counteract as much as possible the delay arising from the combination of the Tea Merchants, we have, by receiving four chops of Congo of Conseequa, and two of Kinqa, their own property, and by sending on board a larger proportion of green teas, been able to complete the lading of the Essex, Vansittart and Waterloo, much earlier than would otherwise have been in our power;

power; and we trust that our conduct in this respect will meet your Honourable Committee's approval.

41. By the adoption of the same plan with the Marquis Camden and Inglis, we hope also to effect an early despatch of those two ships. We are, at the same time, extremely cautious as to receiving any chops of tea which are not the Hong Merchants' own property.

46. Since writing the above, we beg to inform your Honourable Court, in continuation of the discussions pending with the Tea Merchants, that the advantages we hoped to derive from the last measure resorted to (that of giving an advanced price for some of the teas inferior to contract quality), are beginning to appear; several Tea Merchants having come forward and offered to deliver their teas on the terms at which we originally proposed to receive them.

47. Although these persons are known to have been averse to the measures pursued, and their being enabled to dispose of their teas to us does not imply that the terms demanded by the body have been relinquished, yet we consider the secession of these individuals as a point of great importance, and should their example be tacitly followed, the confederacy may be considered as dissolved.

48. In agreeing to the novel mode of weighing teas, we had in view the early termination of the dispute, by depriving the Tea Merchants of their only apparently just ground of complaint; our offers having been distinctly refused, it is in our power to insist on the teas being delivered in the established manner. Of the expediency of immediately insisting on this measure, at the present moment of irritation, we are not yet satisfied; but the teas which we have offered to receive, of the character ordinary and good ordinary, it is distinctly understood are to be laid out as customary.

49. One Tea Merchant, who had accepted these terms, has been deterred by threats from fulfilling his agreement, but at the same time another has stepped forward; a day or two will determine his success or failure, and on the result will depend in a great measure our resolution on this subject.

II.

China Papers.

Combination
of Tea Merchants.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 11th January 1820.

Par. 3. WE are most happy to be enabled, by this opportunity, to inform your Honourable Court, that the sanguine expectations conveyed in the last paragraph of our Secret Commercial Despatch, have been fully realised; and that the Tea Merchants, convinced by the unvarying resistance that we have opposed to their innovations, straitened by the distress occasioned to them by so long a delay, and their individual fears being awakened by our threats to receive inferior teas, to the exclusion of those of superior quality thus withheld from our purchases, have dissolved the combination so vainly and unjustly established, the trade has again assumed its former tone and character. We trust that a conviction of the futility of such attempts will secure our commerce in this quarter from any future delays and embarrassments of a similar character.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 29th January 1820.

Par. 6. ON the 24th instant, we were furnished with a copy of a proclamation, issued by the chief magistrate of the district to the Tea Manufacturers, in which the heaviest punishments are denounced against all combinations to keep back teas from the market; and every dealer is encouraged to bring to the notice of the officers of Government any future attempt to force him, by threats and intimidation, into a participation in such illegal acts.

7. We cannot but consider the document above alluded to as highly satisfactory, since we shall now be secured from all future combinations on the part of the Tea Manufacturers, not only from a consideration of their pecuniary interests, but also by the fear of punishment.

II.

China Papers.

Frauds respecting
Contract Teas.

(11).—FRAUDS, &c. RESPECTING CONTRACT TEAS.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 9th February 1828.

Par. 9. FRAUDS in the delivery of teas inferior to the quality contracted for, and the misappropriations of funds advanced for the purchase of teas, have been perpetrated to such an extent upon the Hong Merchants by the dealers principally in green tea in the present season, that the former have at last been convinced of the necessity of stopping, by strong representations to Government, the progress of a system which, if not checked, is calculated to embarrass, in a great degree, the provision of a supply of green teas for the Canton market, and will extend eventually to the provision of the staple class of our investment, Congos and other black teas.

10. The Merchants propose, upon the re-opening of the Government offices, after the new year, to bring this subject seriously to the attention of the Viceroy, and have requested in this representation our advice and co-operation. We are fully prepared, by a conviction of the urgent necessity of a change in the present system, to give our support to this measure in a manner most calculated to promote success; but a previous knowledge of the intractability and proverbial dishonesty of the class of men of whom the tea trade is composed, convinces us that nothing but severe examples of individuals can promise any permanent amelioration in their dealings.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 15th March 1828.

Par. 11. WE have had under our consideration the adoption of some measures by which the fulfilment of the Merchants' contracts (a subject which we had the honour to bring to the notice of the Honourable the Secret Commercial Committee in our address dated the 9th ultimo) might be so ensured, as to enable us to look with certainty to a supply of teas for the consumption of the home market, of such quality as is desirable to form our investment.

12. The numerous frauds committed by the Tea-men in their transactions with the Hong Merchants, such as the embezzlement of funds advanced them for the purchase of teas, and failing in their engagements to provide teas of a quality suited to the market, have rendered it necessary for the preservation of the interests of the trade to request the interference of the officers of Government. The Merchants having agreed to frame petitions, both from their individual Hong, and as an united body of merchants, requested our assistance in representing this matter to the Viceroy, and requesting that his Excellency would cause such exemplary punishment to be inflicted upon the defaulters in the present instance, as would prevent a repetition of such frauds in future.

13. Feeling that the interests of our honourable employers were involved in the subject under consideration, both as regarded a certain and suitable supply of tea for the London market, and the protection of the property of the Hong Merchants, to whom we look for this supply, we promised our willing support to this measure. An address was framed to the Viceroy, stating the disappointment to which we were exposed in our commercial transactions by the non-fulfilment of the Merchants' contracts to supply teas, for which funds and tonnage are annually provided, both in Europe and India, and we requested his Excellency's strenuous interference to prevent the further derangement of the commerce, which must ensue if the system practised by the Tea-men were not suppressed.

14. The Merchants having for some days postponed the presentation of their own address to the Government upon this subject, for which no satisfactory reason has been ascribed by them, we determined upon the 13th instant to lay our own representation of the case before his Excellency. The favourable reception of this address which we anticipate from the statements of the Merchants, will probably give them confidence, in bringing their individual losses to the notice of the Viceroy; and we hope that the united application of the Committee and Hong Merchants will induce his Excellency to adopt some active measures for checking a system so injurious to the general interests of the trade

15. When

15. When we receive the Viceroy's reply to our address, which we shall have the honour to communicate to your Honourable Court by the next opportunity which offers, we shall proceed to the conclusion of the contracts for the ensuing season.

II.
China Papers.

Frauds respecting
Contract Teas.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 18th November 1828.

Par. 56. IN our despatch dated 15th March of this year, we had the honour to communicate to your Honourable Court the proceedings which we had considered it necessary to adopt, in co-operation with the Hong Merchants, to procure the punishment of those Green Tea Merchants who had proved defaulters in their agreement to supply teas in the preceding season, and had misappropriated the sums of money which had in some instances been advanced to them for that purpose by the Hong Merchants.

57. The Viceroy, in reply to the address alluded to in the 14th paragraph of the despatch quoted above, directed the Merchants to make a report to him of the facts, which having accordingly been laid before him, and our representations being thereby confirmed, an edict was promulgated by the Viceroy, directing the apprehension and punishment of the delinquents, which we considered a satisfactory decree in support of the Hong Merchants.

58. A representation has lately been made by the Tea Merchants to the Government, complaining that their teas are unjustly reduced in price by the Hong Merchants, and requesting that the Viceroy would interfere in their behalf. We are happy to say, that this allegation was met by a very proper exposition on the part of the Hong Merchants of the manner in which the appreciation and purchase of the Company's teas are conducted. The Viceroy in consequence rejected the Tea Merchants' petition as unworthy of his consideration, and directed that their dealings should be conducted according to the old established custom.

(12).—CHARGES ON THE FOREIGN TRADE.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 30th November 1818.

Par. 16. YOUR Honourable Court will find in our records a discussion with the Hong Merchants, on the mode of payment which should be adopted in settling the voluntary gift from that body to their Emperor, on his attaining his 60th year.

Charges on
the Foreign Trade.

17. In the commencement the Hoppo is said to have apprised the Junior Merchants, of the intention of the Salt Merchants and other public bodies to tender considerably larger sums on this occasion than were offered in the 50th year, and hinted his expectation of their body proving equally liberal. It was asserted by many that Pinqua endeavoured to persuade the Hoppo against urging such a request, and that his Excellency, irritated by his hesitation, reminded him of his ready compliance with a pecuniary demand in the preceding season, when his fears were excited, and hinted that measures of intimidation must again be resorted to. This threat had its due effect, and the sum of 300,000 instead of 200,000 taels was ultimately offered, though not without some opposition from one of the Merchants, who was, however, brought into the measure by the argument of his personal interest not being affected, as, in fact, the contribution would be paid by the foreign trade.

18. We considered it our duty to endeavour to relieve the foreign trade from this burden, and pointed out the injustice of charging it with an avowed voluntary gift to the Emperor. The Senior Merchants pleaded established custom in support of this mode of levying the contribution, as well as the danger that a division of this sum among the Merchants might hereafter be made a precedent by which individual property might be rendered responsible for the debts of future bankrupts, and be taxed to realize the heavy impositions of Government. To this it was observed, that the case of bankruptcy was too visionary to require a reply; that the principle of taxing commerce, to meet the exigencies of the case, was admitted in all nations, though in China Europeans had to complain of the little notice

II.
China Papers.

Redress of
Grievances, &c.

given of additional charges on their trade. But on the occasion of a voluntary gift from the subjects of a nation as a compliment to their Emperor, it was unjust in the extreme to tax the foreign trade.

19. Several letters passed between the Hong Merchants and the Committee on this subject, in which we pointed out an equitable division of this sum, founded on our ideas of the ability of each Hong, but we regret to add, without producing the desired effect. We felt it our duty to address the Hoppo on the subject, and from his Excellency's reply your Honourable Court will observe, that any new impost on the trade is positively prohibited.

20. Notwithstanding this Edict, we have every reason to believe that the Merchants will raise the amount from the Consol Funds. Whether that fund is able to bear this new charge, it is entirely out of our power to ascertain; but as the Junior Merchants will undoubtedly call for our assistance, it will remain to determine at a future period the measures to be adopted by the Committee. The sum accepted by his Imperial Majesty is 200,000 taels.

(13.)—DISCUSSIONS WITH THE GOVERNMENT OF CANTON.—SEASON 1814-15.

Secret Department.

LETTER from the Select Committee of Supracargoes at Canton to the Honourable the Secret Committee of the Honourable the Court of Directors, dated 1st October 1814.

Honourable Sirs,

Discussions with
the Government of
Canton.

Par. 1. WE have to inform your Honourable Committee that the conduct of the Chinese Government has been such as to induce us to direct the commanders of the five Bombay and China ships lately arrived, to proceed no further up the river than Chumpee.

2. The proceedings of the Chinese Government arise partly from His Majesty's ships remaining on this station, and the delay and detention their presence has occasioned to the American vessels* that have been for some time loaded and ready for sea.

3. It was to be expected that the Americans would make every representation in their power, in the hope of effecting the removal of His Majesty's ships, or of embroiling us with the Chinese Government; and your Honourable Committee must be fully aware, from the cargoes of the American prize ships, how deeply interested and concerned the head Hong Merchant, Pinqua, is in the safety of, and in the sailing of American vessels.

4. The representations hostile to His Majesty's ships have been received with an attention, and excited an interest generally among the officers of Government, such as we should not have expected to have seen had a mere sense of duty only operated. We are disposed to attribute much of the activity displayed by officers of the Government against His Majesty's ships to an influence very generally practised, and with never failing efficacy in every department of the Government of this Empire; at the same time we are not prepared to say to what extent the services of the officers of Government have been paid for, or whether the principal or the agent employed to secure their services was Pinqua.

5. On the 12th instant the armed American brig Rambler arrived, and proceeded to Whampoa, the following day her prize the Arabella, country ship belonging to Bengal, anchored in the roads under English colours, on ascertaining that His Majesty's ships were at Chumpee, the officer in charge of the Arabella determined on carrying the ship into Macao harbour.

6. Agreeably with existing treaty the Portuguese Government refused to protect the Arabella, and ordered a guard on board with instructions to carry the ship beyond the limits of Portuguese neutrality, where the ship was found abandoned by the boats of His Majesty's ship Doris, and was taken possession of for the benefit of the owners.

7. Notwithstanding very clear evidence and corroborating circumstances brought forward as well by the Portuguese as ourselves, that the vessel was not an American but an English captured ship, the Canton Government appeared very unwilling

* Jacob Jones,
America,
Sphinx, Schooner.
Russell - D^o
Tamahamah, D^o.

unwilling to admit that the vessel was not an American, as she had at first been represented by the Americans to be; and in retaliation for the supposed breach of neutrality, supplies were at first refused to His Majesty's ships; the English and American trade was suspended, and the port clearances were refused to some of the country ships on the eve of departure for India.

8. We must observe, that previous to the arrival of the Rambler, the Chinese Government had thought proper to revert to the example of a former Viceroy, Pé, who distinguished himself in 1810 by his unjust and oppressive proceedings towards Europeans; and we received an edict from the Fooyuen and Hoppo, directing that no native attendants would be permitted about the European Factories, and that such Chinese as should violate the laws by attending would be seized and punished accordingly.

9. We addressed a reply to the Fooyuen and Hoppo, and stated that, above 100 years, during which the trade had been carried on, there had existed the same desire and endeavour on the part of the English to comply with the regulations of the China Government, and to prevent the riots and disturbances between the people of both countries; consequently we had reduced as much as possible the European attendants either belonging to the Honourable Company's Factory or the Factories occupied by the Commanders of the English ships.

10. It was further stated, as the trade was very extensive the number of attendants was necessarily very great, and those hitherto had been composed of Chinese, but that it would be far more satisfactory and respectable to have the attendants composed of persons who were British subjects.

11. As we supposed that the Government must be fully aware of the situation and extent of the Factories at Canton, they must also be aware how inadequate they were to contain this number of Europeans, and further, from being open to the intrusion of the populace of a large city, continual riots and disturbances were inevitable; consequently, the carrying on the English trade at Canton with European attendants, was in fact impracticable. It was therefore submitted to the consideration of the Government, if their orders were to be carried into execution respecting the Chinese attendants, that they would appoint some other situation or place to which we might proceed, and there reside and carry on the trade.

12. No reply to our address has been received, or indeed has the letter been received by the officer to whom it was addressed. The objections to the native attendants may be nothing more than the practice of late years resorted to by the officers of Government, when it was their wish to harass or insult Europeans. We have also to notice, that the Nan hai Heen entered the Honourable Company's Factory, and it is probable, had any of the Chinese attendants been in the way, they might have been seized.

13. It is much to be regretted, that so extensive and so valuable a trade should be situated as the European trade to China is at present, liable to continual interruption at the caprice of an individual; at the same time the necessity of resisting these most unjust proceedings must be obvious, as by resistance alone can we hope to check them: had the Viceroy thought proper to issue these orders respecting Chinese attendants two months hence, the business of the season must have been for a time as completely interrupted as could have been effected by any direct stoppage of the trade.

14. The several addresses which we have been under the necessity of making on the subject of His Majesty's ships to the Viceroy, Fooyuen and Hoppo, have of late been rejected, and the Viceroy has most openly declared, that he will receive no communications from us, if written in Chinese characters, but that if we wish to address him, it must be in English. Considering this equivalent to a denying the right of remonstrating, it is our intention to persevere in writing to him in Chinese.

15. Notwithstanding the lofty tone assumed by the Government and their proceedings, we are rather disposed to believe that they will not persevere in their present unjust conduct, as we conceive, without some better grounds than they have at present, they would be unwilling that the interruption to the foreign trade should continue so long as to excite the notice of the Government at Pekin. From some discussions that have already taken place with an officer of Government, dispatched from Canton for the purpose, we are inclined to believe that the Viceroy is rather disposed to arrange the existing differences.

II.

China Papers.

Discussions with
the Government of
Canton, 1814-15.

II.
China Papers.
—
Redress of
Grievances, &c.

16. It will afford us much pleasure to convey to your Honourable Committee the account of this discussion being terminated, at the same time your Honourable Committee must be fully aware how tedious and uncertain in duration these discussions with this Government have proved, and it remains with us to assure you, that our best exertions will be employed to preserve the real and permanent interests of the Honourable Company by a firm and decided resistance to the unjust attempts of the Provincial Government.

We have the honour to remain with respect, Honourable Sirs,

Your most faithful and obedient servants,

Macao,
1st October 1814. }

(signed)

J. F. Elphinstone.
Thos. Chas. Pattie.
Geo. Thos. Staunton.

EXTRACT LETTER in the Public Department, from the Select Committee of Supracargoes at Canton, to the Honourable Court of Directors, dated 4th December 1814.

Par. 5. WE regret having to inform your Honourable Court that the conduct of the Chinese Government has been such as to compel us to suspend all commercial intercourse, to prohibit all British ships entering the river, and to direct all British subjects to leave Canton.

6. After a tedious and anxious discussion, the Chinese Government acceded to such an adjustment of differences as enabled us, on the 25th of November, to permit the ships to proceed to Whampoa.

LETTER from the Select Committee at Canton to the Secret Committee of the Honourable Court of Directors, dated 4th December 1814.

Honourable Sirs,

Par. 1. WE had the honour to address your Honourable Committee last under date the 1st of October, when we stated that the differences that existed with the Chinese Government, and we regret to say that the hope then expressed of a speedy adjustment did not prove to be realized.

2. On the 4th October we received information of the seizure of the Linguist Ajeu, on the charge of having carried the portrait of his Royal Highness the Prince Regent to Peking, and for a general attachment to, and services rendered to the English; numerous reports are in circulation of further violent and hostile intentions of the Viceroy and Fooyuen and it was further reported that Fatqua, or others of the Hong Merchants, were to be involved in the charges brought against the Linguist.

3. Our several addresses to the superior officers of the Canton Government were delivered at the city gates, and brought back to the Factory unopened; and finding the Viceroy was resolved on persevering in his measures of violence and hostility, and that all our efforts to obtain redress failed, and there appeared to be no other alternative or resource left to us than carrying our appeal to his Imperial Majesty at Peking, directing at the same time all British subjects to quit Canton, and the English ships to leave Whampoa.

4. Fully aware of the serious inconvenience that must necessarily attend this measure to all the parties interested therein, we considered it proper to draw up a statement of the proceedings of the Canton Government, which had compelled us to adopt this extreme measure, for the purpose of being communicated to all British subjects, as containing a detail of the proceedings of the Government, we beg leave to refer your Honourable Committee to this document, which we forwarded on the 11th October to Mr. Molony, at Canton, directing either its immediate publication or its being withheld for a time, as the disposition of the Government might appear to require.

5. The suspension of the trade on our part, and the detaining the Honourable Company's ships at Chumpee, appeared to produce some effect. On the — October an official communication reached us from the Viceroy; in this the recapture of the *Arabella* was admitted to be proper, and that the ship had been an English vessel; in consequence the orders given by the Viceroy to stop the trade were rescinded.

No. 1.

II.

China Papers.

Discussions with
the Government of
Canton, 1814-15.

No. 2.

6. Desirous of availing ourselves of the opening that was given to preserve our commercial intercourse, without subjecting it to the delay that must necessarily attend a remonstrance to Peking, we replied to the Merchants and proposed that the Viceroy should appoint an officer duly authorized to meet Sir George Staunton at Canton, who would proceed for the purpose of discussing and arranging the several points on which explanation was required, and previous to our permitting the ships to enter the river.

7. An answer was received from the Merchants, stating that the Viceroy acceded to our proposal. Sir George Staunton, accompanied by Sir Thomas Metcalfe and Mr. Davis, proceeded to Canton, on the 21st October, under instructions from us, a copy of which we have the honour to inclose.

8. A delay of some days took place before the Mandarin met Sir George Staunton; and on the 23d, that same officer, who had come to Macao respecting the *Arabella*, by name Foo-ta-hao-Yea, accompanied by the Quang-choo-foo, the Nan Hai Hien and Hyan Shan Hien, came to the Honourable Company's Factory.

9. At the first and at the several subsequent meetings that took place with Foo-ta-hao-Yea, the arrest of the Linguist Ayou was discussed; explanation was attempted to be evaded in various ways, when after considerable discussion an official declaration was obtained from the Viceroy that the arrest of the Linguist was not on account of any connection with the English, but in consequence of a breach of the law, for having once been in a menial situation, he had afterwards purchased rank. Nov. 24, 26, 28, 29.

10. The Viceroy then appeared determined on breaking off all further negotiation, and the Merchants intimated that no further communications would be received. This extraordinary resolution on the part of the Viceroy, left Sir George Staunton no other alternative than that of quitting Canton, which he left on the 10th November, and joining the Honourable Company's ships that had removed from Whampoa to below the second bar, previously carrying into execution the Committee's orders, in communicating the statement to all British subjects, and directing them to quit Canton.

11. On the 12th and 14th, deputations of the Hong Merchants, Pinqua and others, reached the Honourable Company's ships at that time, nearly at the Bocca Tigris, when they requested Sir George Staunton to suspend the further movements of the ships, and having given a written assurance that they were authorized by the Viceroy to say that a Mandarin should be appointed to discuss the remaining points in dispute, Sir George Staunton returned to Canton, and landed on the 15th.

12. It would appear that the Merchants had either exceeded their authority or were attempting to practice further deceit, for it was not until they found Sir George Staunton fully determined on again proceeding to the ships that their promise was fulfilled, when the same officer, Foo-ta-hao-Yea, accompanied by the Nan-hai-Hien came to the Factory on the 19th. At this and several subsequent meetings, the articles which we have the honour to inclose were discussed, and at length in great measure conceded. 21, 26, 28, 29.

No. 3.

13. Finding from the meeting of the 21st, that the Government acquiesced in the principal points in discussion, it was determined no longer to delay the ships, but to permit their going up to Whampoa and unloading; this was done in order to facilitate the proceedings of the Viceroy towards an adjustment, as while the ships remained at Chumpee and Lintin, and the trade was suspended, it appeared (as was in fact the case) that these measures had compelled the Viceroy to grant the concessions which had been obtained.

14. The Viceroy's Edict, confirming what has been officially communicated to Sir George Staunton by the two Mandarins, as the contents of this document, was expected to be delivered on the 2d December.

15. For the particulars respecting the arrest of the Linguist, and for the apprehension we entertained of this act of injustice, being but the prelude to further attacks on some of the Junior Merchants, and through them on the European trade, we beg leave to refer your Honourable Court to the several documents specified 4th, 5th and 6th.

16. It is to be remembered that during the last season the Merchants obtained from Peking the sanction for re-establishing the Cohong system; aware that it would meet with our firm and decided opposition, the system was not attempted to be practically carried into effect during the last season, although the forms of

II.
China Papers.

Redress of
Grievances, &c.

appreciating the cargoes of each ship on her arrival, and affixing prices to all articles of merchandize at their Consoo house was regularly gone through, and is indeed still continued.

17. Whatever may have been the ultimate designs of the parties in exciting the superior officers of Government to the measures they adopted towards us, or whatever may have been the views of the Government in resorting to these measures, we hope for the present they have been checked, if not defeated; and further, that the Viceroy and the officers of Government are now convinced, that in their conduct towards the English their measures of oppression and injustice (as they value the trade) must be restrained within certain bounds; from the experience and knowledge we possess of the Government, we are satisfied that their conviction, that their injustice will not be submitted to, is the only security we can possess for their attempts being discontinued.

18. Although the adjustment we have obtained is perhaps not so satisfactory as could have been wished, we hope sufficient has been granted to admit the trade being carried on during the present season without much interruption. By the freighted ship Earl Spencer, which we propose to load and despatch with as little delay as possible, we will transmit a detailed account of our proceedings with regard to the Canton Government. Your Honourable Court will be enabled to judge of the conduct of the Government, and of the Hong Merchants Pinqua and others, at the same time the serious difficulties we have to contend with in endeavouring to resist the oppressive acts of the Government, will be seen, and we trust that some effectual means to enable us more successfully to oppose these attempts will suggest themselves to your Honourable Committee.

19. It remains for us to express our high approval of the conduct and exertions of Sir George Staunton in the execution of his mission to Canton, and your Honourable Committee will not fail to appreciate the difficulties he had to encounter in the negotiation.

We have the honour to be with the greatest respect, Honourable Sirs,
Your most faithful humble servants,

(signed) *J. T. Elphinstone.*
Thos. Chas. Pattle.

Macao, 4th December 1814.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 24th December 1814.

Par. 2. WE have now the satisfaction to inform your Honourable Committee that the unpleasant discussions in which we were engaged with the Canton Government, have terminated; that the cargoes of the ships are nearly delivered, and that several have commenced the lading of their teas.

3. By this conveyance we have the honour to transmit a full detail of our proceedings, and have to congratulate the Honourable Court and ourselves on as favourable a termination as perhaps could be expected, from a Government which cannot be brought to admit that foreign nations can stand on an equality with themselves, and appear frequently in their Edicts to refuse to acknowledge them even as free and independent.

4. The grievances under which Europeans labour in carrying on the commerce in China, are not singly of that flagrant kind, that the bare mention of any one of them can immediately show their weight and pressure, they must be considered collectively, and we feel confident that your Honourable Committee, on a perusal of the proceedings, will concur with us on the necessity of our having recourse to the measures adopted (under the peculiar and difficult circumstances in which we were placed), for effectually checking the unjust demands and pretensions of the Canton Government, and for giving due weight to our application for those explanations and disavowals which its daily accumulating insults and provocation (even if the consequent hazard to the trade itself were only considered) rendered indispensable.

5. The Edicts published in the early part of the season ordering His Majesty's ships to quit the coast, we conceived originated with those persons interested in the sailing of the American vessels, and although the Merchants ought to be fully aware, that we have no control over His Majesty's officers, and which indeed they have fully acknowledged, we are sorry to observe that no member of the Hong could be found, who had the inclination or sufficient influence, to explain this

this fully to the Mandarins. Looking therefore solely to the Committee, the Viceroy refused to receive the address of the Captain of the *Doris*, and considered us responsible for his acts. Although we could not but highly disapprove of the attack made by the boats of the *Doris* on the American schooner at Whampoa, and which through interested motives had been greatly exaggerated; we deemed it our duty to endeavour to palliate the circumstance, and while acknowledging it to be an error, ventured to promise that his Excellency should not again have occasion to complain of a similar act of offence. The affair, we were assured, was adjusted, and although during the subsequent discussion it was at times adverted to by the Mandarins, it cannot be considered as forming a prominent feature in the present differences, and was only alluded to (as a measure not to be defended by us), when they were at a loss to reply to a grievance brought forward on our part.

6. We conceive the origin of this discussion must be traced to a far different source; to the interested views of a few individuals endeavouring to place the European commerce at their sole command; that in fact it has been pending some time, and would have equally rendered necessary in a year or two the measures now adopted, even had we succeeded in averting them for the present season. The attempt in the preceding season to interfere with the nomination of the person appointed by the Honourable Court to conduct their affairs; the annual vexatious delays in our commercial intercourse on the most trivial occasions; the attempt of establishing a Cohong, for which the Imperial sanction was obtained in July 1813; the issue of an Edict withdrawing our native attendants and prohibiting any Chinese communicating with us; the seizure of a person supposed to be attached to our interests, and having been confidentially employed by us in a mission to Peking; the returning of our addresses unopened; the demanding that in future all communications should be written in English (to be translated by the Hong Merchants), afford strong and concurring evidence of the real object in view.

7. In determining the mode to be adopted in discussing the several grievances with the Mandarins, the question arising out of the seizure of the Linguist employed by us on a mission to Peking, appeared to demand our first consideration; and if our interference could avail, we were bound to exert it in favour of the prisoner. The judicial proceedings then pending rendered an early application necessary, and it was more particularly urgent to obtain a clear explanation of the crime alleged against him, and how far we were implicated, previous to any report of the affair being made, as it was important that no unfounded or unfavourable statement should be sent to Peking. Your Honourable Committee have been already informed of the official declaration of the Viceroy, that the arrest of the Linguist was not on any account of his connection with the English. With the Edicts on this occasion we declared ourselves satisfied, with the exception of an offensive paragraph, which, although not withdrawn, was ultimately explained, and the insinuations it contained disavowed.

8. On a perusal of these Edicts and the arguments made use of by the Mandarins in the first conference with Sir George Staunton, it might appear to a person unacquainted with the Chinese Government, and the entire inconsistency of its practice with its professions, that the Committee had no cause of complaint, and that the Government were merely enforcing the laws against a delinquent, who having once been a menial servant, had obtained rank. The specious show of reason and argument assumed on all occasions by the officers of Government even in asserting a falsehood, must no doubt have the effect of inducing those who have not a local knowledge and experience to guide them, to judge more favourably of the Chinese character than they merit. We beg to refer your Honourable Committee to the report transmitted us by the Linguist of his examination, and his subsequent communications.

9. That our apprehensions of the intention of the Chinese Government to make some unfounded report against the English to Peking, appears, by the account actually sent by the Viceroy, to be but too well grounded. It is to be observed, that this report was made at the very moment that official declarations, verbal and written, were given us that the punishment of Ayeu was in no way connected with the English; although, from this document (a copy of which we have privately received), it will be seen that it contains not only an implication of foreigners being connected with him, but a direct assertion that the Linguist was concerned with us in treasonable practices.

10. We do not apprehend that an assertion thrown out at random of so absurd and improbable a nature, and wholly unsupported by proof, will be attended

II.

China Papers.

Discussions with
the Government of
Canton, 1814-15.

II.

China Papers.

Redress of
Grievances, &c.

with any evil consequences, at least as far as directly affects foreigners; but it is desirable to be prepared for every event; and in this point of view, the strong and ample disavowal which we have extracted from this Government of every kind of allegation against us, under the Viceroy's own seal, appear doubly important; and, in the event of a reference to Peking on this subject at any future period from England, afford, we presume, the most effectual means of rebutting the charge, and bringing the misrepresentations and injustice of the Provincial Government to merited punishment.

11. The concession of the second point discussed is most satisfactory, and we are confident will be highly gratifying to your Honourable Committee. The free communication granted with the superior officers of Government by their promise to receive our addresses in the Chinese language without previous explanation with the Merchants (with the single exception of an English copy accompanying it in the event of announcing an embassy) will, we trust, prevent the vexatious delays of a stoppage of chops, when the Hoppo officers shall be endeavouring to extort undue fees (by which acts our fleets are so frequently delayed), and prove a sufficient check to the unjust and illiberal insinuations respecting our conduct thrown out by those men interested in preventing a direct communication between us and the Government.

12. On the point of Chinese attendants, it appears that the prohibition of employing servants under a certain denomination has existed since the year 1740, and having received the Emperor's sanction, could not be repealed by the authorities in Canton. For the revival of this question and further regulations we are indebted to the hostility of the Viceroy, Pè, who proposed the re-establishment of the Cohong system, and to whose conduct, together with that of those partizans he left in Canton, we may attribute the vexatious delays that have for some years occurred, as well as the more serious detention of our ships in the present season.

13. Although this point has not been so satisfactorily explained as we could wish, the Government, satisfied probably that the objections were made on vexatious and oppressive grounds, or that the alternative of our having so great a number of European attendants was, in fact, impracticable at Canton, have issued an authenticated document for the employment of Compradores, and as many servants under particular denominations as our Factory may require; we will therefore hope that the Government, satisfied their unjust measures will not be submitted to, no interference on the subject will again be attempted, and that the measure of prohibiting natives serving us, and ordering their seizure, will not again be resorted to.

14. On the explanation of the minor points, although less satisfactory, there is only one which appears likely to create any difficulty, which is, the necessity of applying for a license for boats passing the Bogue. This places the Compradores of the ships of war at the mercy of the officers commanding that fort, who, dreading the consequence of the impatience of the officers losing the tide by unnecessary detention, may be induced to pay a fee in some instance which will become an established custom, and a constant pretext for extortion. The verbal communication however of the Merchants on this subject, induce us to hope the regulation will not be rigorously enforced.

15. We beg to draw the attention of your Honourable Committee to the anxiety shown to recall Sir George Staunton, as affording a proof that, however the Chinese Government may declare in their edicts that no benefit arises to the Celestial Empire from the foreign trade, and that it is only permitted from pure benevolence, yet when endangered by their unjust proceedings, properly and firmly resisted, it will be found they are most fully aware of the reciprocal advantages of commerce, and most anxious for its preservation.

16. We hope that the steps taken this season will have the effect, of preventing the officers of the Canton Government from again entering into a course of violent and hostile measures without more fully satisfying themselves of the grounds on which they are proceeding; and as it will be our anxious endeavour not to allow them a pretext, we may further hope that the inconveniences and delays which have of late occurred will not again be experienced. At any event, we trust that we shall not in future find the representatives of the East India Company stigmatized as staters of untruth, and His Majesty's officers with the name of plunderers; that we shall be allowed to call our employers honourable, and the King of England an independent Sovereign. The admission by the Chinese Government of our having other duties to perform than mere commercial transactions, as recorded

on

on the Edict received on the 28th ultimo, is highly satisfactory, as placing us on that footing which enable the Mandarins to communicate directly with us, and not to require the intervention of the Hong Merchants.

II.

China Papers.

Discussions with
the Government of
Canton, 1814-15.

EXTRACT LETTER in the Secret Department, from the Select Committee of Supracargoes at Canton to the Honourable the Secret Committee of the Honourable Court of Directors, dated 16th January 1815.

Par. 16. WE have to request the attention of your Honourable Committee to the several communications from the Linguist Ayow. They contain generally, we believe, a correct account of proceedings of the officers of Government, and the true causes that have excited them to the measures they adopted towards us. They are a further melancholy proof of the total and entire absence of all truth, justice or mercy from Chinese tribunals, and where the undue influence of money is applied, all chance of a fair trial ceases to the unfortunate person accused.

Letters of Oct. 16,
Nov. 8.

17. This cannot be illustrated more strongly than in the statement transmitted to us by Ayow of the proceedings of the officers of Government towards him from the day of his arrest to the end of October. The Nam Hoymen is accounted a good and upright magistrate, and far exceeding his predecessors in these qualities, yet this officer, although fully satisfied of the Linguist's innocence, so much so as to be about to discharge him, on the application of Pinqua and Chunqua most readily promises to punish Ayow publicly, and before all the Merchants, provided they make a statement to him.

18. Your Honourable Committee will observe from his letters that the terrors of the tortures to which he was now subject, and the laudable and honourable motive of not involving other persons, whom he might be required to accuse in the midst of his sufferings, determined the Linguist Ayow to put a period to his existence and sufferings by taking opium. We have the satisfaction to say that his intention was discovered, and in time to prevent any bad effects from poison.

19. It will be satisfactory to your Honourable Committee to be informed that the Linguist has not experienced any bad treatment of late, and that such accommodation as a prison affords (a separate apartment to himself) has been obtained for him.

29. Under this date we have recorded the statement which it is said the Viceroy has made to Peking respecting the Linguist Ayow. We received it privately, and have to remark that neither Pinqua, Chunqua or the Hong Merchants have publicly put us in possession of this document, or indeed have they acknowledged to us their being informed of any report having been made to his Imperial Majesty.

11 December.

30. In the document we have received it does not appear that the charge against Ayow is of a serious nature, or such as to merit the punishment proposed, (banishment to Elee,) or to have required being submitted to the consideration of the Emperor. It is, at the same time, very probable that a much more unfavourable representation has been made to Peking, and in this case the punishment of Ayow will be more severe. Of this we are at present unable to judge; from the reply from Peking, and the proceedings of the Canton Government respecting Ayow, we may be enabled to ascertain what has been reported.

31. We must remark, in the report we have received, that connection with the English and the English Chief are stated as his offence. This was totally inconsistent with the expressed stipulations acceded to by Foo-ta-lo-yea, under the Viceroy's authority, in the conferences held with Sir G. Staunton, and it proves sufficiently that no dependence whatever can be placed on the assertions of the officers of this Government; and on the result, as it affects Ayow and involves us, we must determine on the line of conduct to be adopted in making a representation or otherwise to his Imperial Majesty.

EXTRACT LETTER in the Secret Department, from the Select Committee of Supracargoes at Canton to the Secret Committee of the Court of Directors, dated 6th February 1815.

Par. 5. SINCE the date of our last Address, the Emperor's answer, in reply to the Statement made by the Canton Government respecting the Linguist Ayow, has

II:
China Papers.

Redress of
Grievances, &c.

been received into Canton, we have obtained a copy of this document, a translation of which we have the honour to forward.

6. From this your Honourable Committee will perceive that the punishing the Linguist by banishment to Elu is confirmed, and that from the wording of the reply ample power is given to the Canton Government to charge and punish any individual for the offence of serving or having secret intercourse with foreigners; and from the documents already transmitted, your Honourable Committee must be fully aware with what facility any charge may be brought against an individual; and his own confession by the torture will be obtained, as the wishes of the Mandarin may direct.

7. From the *ex parte* statement of the Canton Government, perhaps we had no just ground to expect that any other reply could be made from Peking; at the same time we must observe, that the usual practice of submitting these cases to the (Board) Supreme Council was on this occasion dispensed with. From this we infer some unfair advantage has been taken by interested persons here; and aware with what facility money may be applied, we are inclined to believe that this has been employed to secure the sentence against the Linguist being confirmed, which, had it proceeded through the customary forms, and under the Superior Council, might have been rejected.

8. It appears from this document, that apprehension from the Christians is still prevalent. The serious insurrections that took place during the last year were endeavoured to be attributed to the Christians. It perhaps can excite no surprise that the officers of Government should generally, throughout the Empire, concur in endeavouring to find some other cause than their own malpractices and misgovernment in these discontents.

9. In compliance with the directions contained in the Imperial answer, the Linguist Ayow was summoned before the Fooyuen and other principal officers of the Canton Government. He was interrogated as to his being a Christian, which he had no difficulty in denying, and performed the ceremonies required of trampling on the Cross without hesitation. No further questions were proposed, and he was remanded to prison to await the final order from Peking, when he will set out on his journey to the place of his banishment, Elu, supposed to be situated nearly north of Nepal.

10. No further official communication have as yet passed between the Canton Government and our Committee on this subject. It was understood that the Fooyuen was most inimically disposed, and much inclined to avail himself of the latitude given by the expression of "rigorous inquiry," to extort some further matter on which he could ground an attack on us, or on some of the Merchants or persons connected with the foreign trade; but we are given to understand he found his wishes were not seconded by either the Viceroy or other Mandarins, who probably, from having been longer in Canton, were better acquainted with the consequences; and having experienced our firmness in resisting any oppressive measure, may have conceived it more politic to allow the affair to drop.

11. Having no real or just grounds for their proceedings, we believe that if this conduct was fairly stated to the Peking Government, it would be condemned; not from any sense of humanity or compassion to an injured individual, but on the score of policy, in endangering a commerce so generally beneficial to the provinces they are appointed to govern. We are, however, unwilling to intrude our complaints to Peking, as they will come with so much more effect from your Honourable Committee or from Bengal. We are rather disposed to permit the affair to remain for the present; but as no reliance can be placed on the officers of this Government, and as intrigues may always be at work to excite them against foreigners and foreign trade, we must await, in order to ascertain what may be the real intentions and designs of the Fooyuen and his instigators; and in the event of further attack, there will remain the resource of carrying our remonstrances to Peking.

12. Your Honourable Committee will no doubt appreciate the difficulties and the anxiety that must attend our differences and discussions with this Government. We feel, however, that they are unavoidable; for on our firmly resisting their unjust attempts can we alone depend on these attempts ceasing to be made. We are confident our resistance at the early part of this season operated in preventing any further measure being commenced against the foreign trade.

..(14.)—RESPECTING THE COMPANY'S SHIP GENERAL HEWITT.

II.

China Papers.

Company's Ship
General Hewitt.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 4th Nov. 1816.

Par. 1. WE have fully detailed to the Honourable Court the discussions in which we have been engaged by the hostile measures pursued by the Viceroy of Canton, in the first instance, towards the General Hewitt, and the determined refusal of the officers of Government to receive or reply to our addresses, and lastly, the arbitrary and unjustifiable act of seizing our Compradore, maltreating him in a manner used towards the lowest criminals, upon an absurd accusation that he showed Europeans the way to the city, or at least that he, as residing in our house, must know the criminal person.

2. Whenever the officers of Government are unable to attach any blame to the Committee itself, they resort to some tyrannical measure towards the natives in our employ; and this is the sole crime of which they could venture to accuse the innocent sufferer. We do most confidently hope your Honourable Committee will consider that it is our bounden duty to protect the persons in our employ; and at the same time that we hope for the approbation of your Honourable Court for the forbearance shown in the present instance, when our ships unladen are under their control, and the particular circumstance of the Embassy being in this country. We do also trust your Honourable Committee will deem it our duty, at the close of this Season, or the commencement of the ensuing, to bring to some final decision the two essential parts of protection to natives in our employ, and the reception of our addresses, with replies properly addressed to the Committee, taking, for the basis of our negociations, the convention signed by the present Viceroy in 1814.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 8th Nov. 1816.

Par. 3. ON our arrival in Canton we found that the General Hewitt was detained below the Bogue, and one of the Hong Merchants deputed to examine and inquire whether she had actually conveyed the presents to Tring Sing. This measure was asserted to be necessary, in consequence of a report from a Mandarin at Macao, which stated that she had proceeded to a port on the coast, and delivered over the presents to the other vessels. We lost no time in addressing the Viceroy, assuring him she had proceeded to the port of Trin Sing, landed the presents, and, in pursuance of orders received in England, had returned to Canton for a cargo of teas; and we expressed our anxiety for an early despatch.

4. In the mean time, through the intercession of the Hong Merchant deputed to the Bogue, and Captain Campbell's exertions, the General Hewitt was brought above the second bar, but surrounded by armed boats, all communication forbid, and, at first, provisions denied; the latter prohibition was in two days removed. It became our duty to remonstrate against such proceedings, and we should have been fully justified in resorting to the strongest measures in our power for removing this insult to the British flag; but keeping in view your Honourable Court's orders to avoid, at present, all altercation with the officers of the Government, and anxious not to place his Excellency, Lord Amherst, in any unpleasant situation at this place, we addressed a moderate letter to the Viceroy, pointing out the indignity which we conceived was offered to a ship sent on a friendly mission, and again solicited the usual permission for lading the General Hewitt.

5. During the time that the translating of this chop required, we were distressed at the severe treatment which the Merchants received, from an assertion that they had misrepresented the orders of the Emperor. This arose from a Chinese character being used in our letter for Canton, which, strictly translated, means the city, and the waters running by it, from whence it was absurdly asserted we required the vessel being brought to the city wall. We did not hesitate a moment in correcting the error, by addressing the Viceroy, but this explanation he refused to receive; and though we declined addressing any other Mandarin, we readily proposed to write a letter to the Merchants themselves, which relieved them from further trouble. This mode of attacking the natives concerned with us, for any errors committed, will no doubt appear to your Honourable Court to require most serious attention; and we are about to bring to the notice of your Honourable Court a most aggravated and unprovoked attack by this mode of procedure.

II.
China Papers.
—
Redress of
Grievances, &c.

6. The Merchants, for some time, refused to convey our addresses to the Mandarins, and, when induced to carry them, returned them as being refused. This act, in direct violation of the Convention agreed to and signed by the present Viceroy in 1814, would of itself have authorized strong measures; we still, however, under the peculiar circumstances of the Embassy, forebore proceeding to those lengths which this breach of faith would justify, but endeavoured, by every moderate means in our power, to enforce the reception of our addresses. The Merchants had obtained the Hoppo's sanction to landing the stores for His Majesty's ships; but much delay occurred after their promise of its being granted. They asserted, if we would assure the Hoppo that the General Hewitt should remain till the Ambassador arrived, that her lading would be commenced. On this we could place but little reliance; however, they were assured, in return, that such a request, coming from either Mandarin, by letter, would be taken into consideration; and they were led to understand that it might be considered of sufficient importance to induce us to deviate from the positive orders of a speedy despatch. At length our second address was received, and an Edict published to the Merchants, which, we were informed, was the only reply we were to expect.

7. On perusal of this Edict, we were pleased to find that the Viceroy had abstained from the severe and haughty language of which in late years we have had so much reason to complain. At the same time, the mode of replying to our address, and the concluding order to the Merchants, enabling them at all times to refuse conveying them, were points of such material consequence to the interests of the Honourable Company, that we felt ourselves compelled to convey our sentiments to the Viceroy.

8. It evidently appeared to us by the tenor of the Viceroy's Edict, that he by no means felt himself justified in his proceedings towards the General Hewitt, and although we apprehended, if there was any truth in the assertion of his having solicited the orders of the Emperor on the lading of the ship, that he could not yield this point, we determined on moving the General Hewitt to Whampoa, as the only means of relieving her from the disgraceful situation in which she was placed, and of removing the guard boats. Captain Campbell was apprized of our intention; but previous to issuing the orders, we addressed the Hoppo, informing him that, in compliance with the Emperor's wishes for that ship proceeding to Canton, we had directed the commander to bring her to Whampoa, the anchoring place of this port; and we further took the opportunity of convincing his Excellency, that though loaded, she should remain till the arrival of the Ambassador, but if that was protracted to an unreasonable time, we trusted their Excellencies would consider the orders under which we acted.

9. The intent of this letter was frustrated by a refusal to receive it, and Captain Campbell, by the apparent fair promises of the Mandarin guarding his ship, was induced to delay his moving. In the first instance, the delay was regretted, but under the peculiar circumstances of the case, we approved of Captain Campbell's caution. These delays enabled the Mandarins, as will be seen on reference to our Consultations, to form such a plan as to make it appear hereafter that they themselves directed the ship to move to Whampoa; but it is to be observed, the Mandarin deputed on this occasion was not to grant his sanction till he was convinced Captain Campbell could not disobey the orders of the Committee. The similarity of this attempt to influence commanders of ships to disobey the orders of the Committee, to that resorted to with the country trade in 1814, is too strong to require any comments, and no doubt will so forcibly appear to your Honourable Court, as to insure a repetition of the orders of this season, which we with pleasure take the opportunity of acknowledging have been willingly attended to by commanders of all vessels trading to this port.

10. The General Hewitt's moving to Whampoa was a satisfactory object gained, as there could no longer exist any pretence for guarding her by armed boats. Her proceeding to Whampoa without opposition from the Chinese, was pleasing; at the same time, we had no cause on this occasion to apprehend resistance, from a conviction that the Viceroy had exceeded his authority. We are not so confident that your Honourable Court will approve of our orders to return a fire; but on a deliberate consideration of the peculiar case in which the Hewitt was placed, denied by the Chinese to belong to the merchant service, but as having accompanied the Embassy, was in their estimation a King's ship, we do trust your Honourable Court will consider us authorized to direct resistance in the event
of

of an attack, and we should be wanting in our duty if we did not point out to your Honourable Court, that it is only from a belief that we dare not return a shot, that could ever induce the Viceroy, on his own responsibility, to order such treatment.

11. Our address to the Viceroy on the movement of the General Hewitt, had been four days in the Merchants' possession, and from most trifling excuses its presentation was delayed. At length this address, together with one to the Hoppo, were returned, and it was declared that these officers would not receive them. As far as concerned the General Hewitt the delivery of this address was not material, further than the object of placing our sentiments and feelings on the records, if preserved, in China; but as the letters more especially entered into a defence of our conduct, and required some reply on the point of our addresses being received and answered, we deemed it our duty to proceed to the city gates, and in a few hours Captain Jameson assembled a party, and delivered the letter to a Mandarin at the gate of the Viceroy's palace.

12. We beg here to express our acknowledgments to Captain Jameson and the Commanders who accompanied him, for their ready compliance with our wishes, and for the able and discreet manner in which they were carried into effect. We have particularly to notice the conduct of Mr. Bannerman, who volunteered his services, and whose knowledge of the language proved highly beneficial on this occasion. We have further to express our satisfaction at the progress made by Mr. Bannerman, whose assiduity in endeavouring to accomplish this desirable object is highly pleasing to us and creditable to himself.

13. Having fully explained to your Honourable Court the measures pursued on this occasion, which we trust will be considered as carried to the utmost line of forbearance, we have to bring to the notice of your Honourable Court a most provoked and unjustifiable attack on us in the person of our Compradore. We must acknowledge it has not been unusual for the Mandarins to endeavour to terrify, or perhaps rather to work on the feelings of the Committee, by similar acts of tyranny on their own subjects on several occasions; but when committed in direct violation of the convention agreed to in 1814 by the present Viceroy, it will afford a convincing proof of what little reliance can be placed on the Edicts of the officers of the Canton Government, much less on the promises conveyed to us verbally by the Merchants.

14. Our Compradore was summoned to the city, and two Merchants deputed to the President, to apprise him of the circumstance. In the presence of these Merchants, who must have been well aware of the fate that awaited him, the Compradore, conscious of his innocence, declared his wish to answer the summons. In a few hours he was beaten and tortured in order to draw from him a confession of what native had shown the Europeans the way to the Viceroy's house. A reference to records of the frequent visits made to the gates and within the city, would prove the fallacy of such an attempt to cover deliberate insult to the Committee, which the Mandarins do not fail to resort to whenever they are unable to attach any blame to the Committee itself. If such a proceeding is not firmly resisted, it will become necessary to forego all communications with the officers of Government. The Merchants are directed not to convey our letters, and when carried by Europeans to the city, directed there to be received by the laws of China. Our Compradore, entrusted with the charge of our treasury, is seized, beaten and tortured in a manner used only to the lowest criminal. Under these circumstances, your Honourable Court will perceive no respectable Chinese can be found to serve us.

15. We have endeavoured by every possible means to obtain his release, but it is with regret we state they have been ineffectual, and that the Merchants have evinced an indifference on this occasion highly discreditable to themselves. We have however attended to their suggestion to remain quiet, under a belief that the object in view might be obtained: in the mean time, however, we deemed it necessary to prepare the Cornwall as a packet, that, in the event of trade being stopped, we might secure a conveyance for a statement of facts, to relieve your Honourable Court from the apprehensions occasioned by private reports. Delay was convenient in order to complete the cargo of the Cornwall, and that object being accomplished, we have applied for the port clearance, stating as the motives for this despatch, the necessity of apprising the high authorities in England of the cause of detention of the General Hewitt.

16. On a review of our proceedings, we do confidently hope your Honourable Court will be satisfied that forbearance has been carried to the utmost extent,

II:

China Papers.

Company's Ship
General Hewitt.

II.

China Papers.

Redress of
Grievances, &c.

and that an anxiety to prevent embarrassment to his Excellency Lord Amherst, will be deemed by your Honourable Court a sufficient reason for not resorting to such measures as are in our power, and which we believe might have brought this discussion to a close. What further remarks may be requisite on this subject, we shall have the honour to address in our Secret Department, and proceed to the details necessary on the despatch of the Cornwall.

21. Since writing the above paragraphs we received an Edict of the Viceroy, a translation of which is forwarded in the extracts from our Consultations, and will no doubt evince to your Honourable Court the difficulty under which we labour in all negociations with a government so void of truth in all their proceedings, and whose Edicts and actions on no occasion accord. Your Honourable Court will observe the declaration of our address having been presented by the Merchants, at the moment that our Compradore is still in confinement, and has undergone the severest treatment from false accusation of having conducted Europeans into the city. It is however a conclusive argument, that we committed no error in proceeding to the city with our address, as it would have been readily seized as an act of delinquency had it been contrary to the laws of China. The describing the General Hewitt as lying at the second bar, or rather affecting ignorance of her being at Whampoa, is a convincing proof, added to many, of the statements that are made on all transactions with foreigners. Should any reply be necessary, which however at the present moment with some prospect of commencing the lading of the General Hewitt, may be doubtful, it will require much consideration, and it only remains to assure your Honourable Court, that however we must feel the continued insults in refusing our addresses, and the style of replying to them, together with the unjust seizure and detention of our Compradore, we shall exert the utmost forbearance to prevent any embarrassment to the Embassy during its residence in Canton. We beg however to suggest to your Honourable Court a letter from His Majesty's Ministers to the Viceroy, warning him that a repetition of such acts must tend to break the bonds of amity so essential to both empires.

22. We have now the pleasure to announce to your Honourable Court, that the Merchants have this morning presented an Edict, stating that a reply has been received from his Imperial Majesty, granting the required cargo for the Hewitt, but clogged with provisos from the Viceroy himself of an unpleasant nature. It is demanded that we should write an address, which may be considered as a bond for the detention of the General Hewitt till the arrival of the Ambassador. We have assured the Merchants, that our word having been once passed, as has been done in our former letters to the Viceroy and Hoppo, we shall never deviate, and that they may safely enter themselves into any security on this point. With respect to a positive injunction to load the returned presents in the Hewitt, we have informed them that their shipment will depend entirely on the wishes of the Ambassador. But we have peremptorily refused to write any letter dictated to us by those officers of Government, who have declined receiving our several addresses, and obstinately persisted in not acknowledging us by replies, as agreed to in the year 1814. In this point we feel confident your Honourable Court will approve our steady resistance; and the conduct of the Merchants this morning, throwing every impediment in the way of reconciliation, was such as to compel us expressly to state, that the present discussion has been carried to a length, which their personal influence might have prevented, had not the two most wealthy Merchants conceived it an opportunity of once more making themselves the channel of communication between Europeans and the Government.

EXTRACT LETTER, in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 4th December 1816.

Par. 8. WE have the pleasure to inform your Honourable Committee, that our Compradore has at length been liberated, after a confinement of 35 days; he is much disfigured, and evidently suffers great pain from the severe treatment he endured. The Linguist was released at the same time, but the person called Atong is still in confinement. We called on the Merchants to know if this man was detained in consequence of his visit to the President, and they assured us on inquiry that his further detention arose from several serious complaints which had been preferred

preferred against him by the village in which he resides; of the nature of these complaints however they declared themselves ignorant. It is with regret we observe that we do not consider ourselves in any way indebted to the Merchants, at least the three seniors, for this release; the apathy shown by them throughout this occurrence would lead to a confirmation of the accusation against them in having been the primary cause of this seizure.

9. Your Honourable Committee will observe in our Secret Diary of the 24th November, a serious cause of apprehension in the information which we have received of a private order from the Viceroy to the police magistrate, to seize several persons in our employ. We felt it our duty to prepare a letter on this subject, but have received such assurances from the Merchants that lead us to hope this severe measure will not be pursued at present; but at the same time we fear that, notwithstanding the convention signed by the present Viceroy in 1814, it will be resorted to whenever the officers of Government may find an opportunity of annoying. Unwilling to enter into discussions unnecessarily, we have withheld our remonstrance, and as a change is to take place in one of the principal officers concerned in this measure, we trust the Merchants may prove successful in withdrawing the warrant.

10. A statement of our Public Proceedings, as regarded the General Hewitt, was forwarded to the Honourable Court by the Cornwall. Our endeavours to remove the stigma thrown on a vessel attached to an important mission, and to carry into effect our orders in an early despatch of that ship, will, we hope, meet the approbation of your Honourable Committee. We have since that time proceeded quietly in the lading; but on the 2d instant the Merchants delivered an Edict, which they informed us required a written assurance from the Committee that she should wait the return of the Ambassador, and that room should be left for the presents; the former demand intimated a doubt of the Committee fulfilling their engagements, which could not be considered but as insulting and unwarrantable in men who must know that the Committee had never deviated from their word. With respect to the presents, it had been fully explained to them, that whatever directions the Ambassador gave would be attended to, and they had been desired to state the number of ships that were at our disposal. In reply they declared they had signed a bond, stating every particular, as directed by the Committee; but the officers of Government were apprehensive that when loaded, the General Hewitt would be despatched: this insinuation was offensive, but we stated that when we were satisfied of the contents of the Edict, it would be replied to.

11. We were apprehensive, by the manner of the Senior Merchants, that more was implied than expressed by them, and in the evening, the teas ordered for the General Hewitt were stopped. This was an act that broke every engagement; and we prepared a short letter to the Viceroy, observing, that as the orders of his Imperial Majesty were disobeyed, it became our duty to follow the instructions of our Honourable Employers, and we had therefore to request the grand chop, unless she was permitted to continue her lading. We apprized the Merchants of the contents, and called on them to use their exertions to prevent any further discussion. They were aware of the reasons of the delay in replying to the Edict, as all persons in our employ were fearful of attending; but whilst it was preparing it was their duty to prevent all irritating steps in their power, by proper explanation, to fulfil our wishes. Puankhequa appeared to acknowledge the justice of our request, but Pinqua would not coincide, as they were of opinion no further cargo would be permitted unless our bond was given. We presented this short address, and if their endeavours failed with the Hoppo, they might present it as our reply to the Edict. We learn to-day the letter has been received by the Viceroy.

12. We should incur great risk of committing ourselves did we venture an opinion on the reply to this letter; but as the General Hewitt is not far short of her cargo, we trust your Honourable Committee would approve of the measure of despatch, should the credit of the nation require such a step. It only remains for us to assure your Honourable Committee, that it would not be resorted to but in the event of meeting such hostile language or treatment as would render further forbearance censurable. And we would wish to impress on your Honourable Committee, that we do not at present apprehend any serious consequences.

II.

China Papers.

Company's Ship
General Hewitt.

II.
China Papers.

Redress of
Grievances, &c.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 19th December 1816.

Par. 3. IT is with satisfaction we report to your Honourable Court, that a full lading has been permitted to the General Hewitt, on the condition that she remains till the arrival of his Excellency Lord Amherst. The delay that has occurred on this occasion has arisen from the highly reprehensible conduct of the Senior Merchants, who, in a most insulting manner, refused to place confidence in our word. The Viceroy required a reply to his Edict, and the further security from the Merchants, that the General Hewitt should be detained till the return of the Ambassador. The reply to the Viceroy's Edict was instantly prepared, and every assurance was given to the Merchants that it should be delivered to them whenever the offensive measure of stopping the teas ordered to be shipped for the Hewitt was removed, a measure which we believe originated in their fears; but if it was determined by the officers of Government that no more cargo should be permitted, it became our duty to despatch that ship immediately.

4. After a discussion of several days, when the Merchants found us determined in our resolution of despatch, a proposal was made by one of them of an additional paragraph to our letter, the purport of which had been privately explained to him. The object proposed to us was, the requesting the favour of an immediate despatch of the Hewitt, and a promise that two vessels should be detained for whatever articles his Excellency the Ambassador might wish to send on board. This was readily admitted, but they were apprised that we did not bind ourselves to ship the presents. A proposition was at length made by the Merchants, whether, if all the forms of shipping the teas in dispute were accomplished, we would deliver the reply directly into their hands. This having been the sole preliminary required by us, was readily assented to, and we hoped no further discussion would be necessary.

5. The Merchants, however, returned with our letter and proposed several alterations, which seemed suggestions of their own; and though apparently trifling in their nature, might have been turned to improper use; these were therefore refused. In this conversation, the intent of the Merchant in proposing the additional paragraph was discovered; and had we been dependent on the Chinese for our translations, as in former days, when this Merchant conducted the negotiations with the officers of Government, we should have been made to promise that the Hewitt should await the arrival of the Ambassador; but that if his Excellency despatched her immediately, two ships would be detained for the presents. This prevarication and attempt to overreach the Committee led to an unpleasant discussion; however, we could but regret we were deceived in the support that had been promised by him, and that the paragraph had been inserted. Unless, therefore, we were permitted to withdraw this request, no alteration could be made in the letter.

6. The Senior Merchants assembled the Juniors, and made a formal visit to the Factory, the purport of which the President had previously learnt was to obtain fresh assurances that the Committee were sincere in their intention of detaining the Hewitt. Having also been apprized that the Viceroy was satisfied with our reply, and only required the security of the Merchants for its strict observance, their hesitation on this point (which had led to the stoppage of the teas) was an insult that called for the strongest marks of our displeasure; and the President trusts your Honourable Court will approve of his refusing to converse further on this subject, or to summon the Committee. He desired them, Mr. Urmston being present, to obey the commands of the Viceroy, or to present the usual application to the Hoppo for the port clearance, which he delivered to the Head Merchant. They declined the latter alternative, and proceeded to the city to sign the required bonds.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 19th December 1816.

Par. 1. WE had last the honour to address your Honourable Committee on the 4th November, and it is with satisfaction we report that our endeavours to obtain a full cargo for the Honourable Company's ship General Hewitt, have been successful.

2. It

2. It had been our intention on finding the arrival of the Ambassador did not take place at the time appointed by the Viceroy, to request His Excellency would grant permission for the sailing of the Hewitt, on our pledging that two vessels should be reserved for whatever articles his Excellency the Ambassador might wish to be shipped. We were precipitated into this measure by a similar proposition being made by one of the Merchants, and his anxiety for its insertion in our letter led us to hope a favourable result. The turn, however, that was intended to be given to such application is fully detailed in our Public Letter by this opportunity, and most clearly evinces the necessity of encouraging, by every means, an obtainment of a perfect knowledge of the Chinese language.

II.
China Papers.
Company's Ship
General Hewitt.

(15.)—RESPECTING HIS MAJESTY'S SHIP ALCESTE.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 8th November 1816.

Par. 23. WE have now to report to your Honourable Court the safe arrival of the Alceste and Lyra on the 2d instant off Lintin. By letters received from Captain Maxwell this evening, we have reason to apprehend that the same hostile measures are proceeding with His Majesty's ships as was adopted with the General Hewitt; however, as it is probable that as the discussion will occur without the Bogue, no material obstruction is to be apprehended to our concerns, and we trust in a short time to be enabled to despatch to your Honourable Court the early ships of the season with more authentic information.

His Majesty's Ship
Alceste.

LETTER from Sir Theophilus T. Metcalfe, Bart., President of the Select Committee of Supracargoes at Canton, to Thomas Reid, Esq., Chairman of the Honourable Court of Directors, dated Canton, the 16th Nov. 1816.

(Private.)

Dear Sir,

THE American Consul called on me late this evening, to say, a fast sailing American vessel would be despatched per Amsterdam to-morrow. To write a public opinion on the result of Wednesday night would be committing ourselves; but as exaggerated reports now flying about will reach England, it will prove satisfactory to you to receive some particulars from me. On the arrival of the Alceste, a Mandarin with a blue button went on board at Lintin, staving himself to be deputed from the Viceroy; he was civilly received. Captain Maxwell requested him to convey his wishes to the Viceroy for entering the Bogue, and fair promises were given. In a day or two another Mandarin visited the Alceste, who declared himself to be deputed by the Viceroy. On Captain Maxwell observing he had already communicated with an officer of rank, who had promised to convey his wishes to the Viceroy, he was informed the first Mandarin was not authorized in what he had done or said. Captain Maxwell instantly requested some proof by which he might ascertain on what authority he himself visited the ship. The reply was given in strong assurances, and as a proof, he would instantly return to the Viceroy, and bring such an answer. Captain Maxwell desired him to fix a day, and he named five days hence, to which the Captain objected, as being too long, but at length agreed, and describing his ship in distress from bad weather, stated the necessity of proceeding into smooth water within the Bogue. This man departed, promising to return with a reply. Captain Maxwell remained quiet six days, receiving many insults to the British flag. Provisions were only to be procured by the Compradores at night bringing them on board. Armed boats, though keeping some distance, were stationed round her. These removed themselves in a few days, but were met again near Chumpee. The time being expired, the Alceste weighed anchor, and proceeded to Chumpee. She found stationed here a flotilla of boats, the Commander of which sent a low Chinese to order him to anchor, or a gun would be fired. The words had scarcely passed his mouth when the threat was put in execution, and they fired several guns without shot. Captain Maxwell received it as a salute, and returned it with blank cartridge. Shortly, however, shot passed by from junks and the fort. You will readily, sir, conceive the feelings of a Captain of a British man-of-war, who in this spot was committing no act that

II.
China Papers.
—
Redress of
Grievances, &c.

could give offence, for the ship was below the place where the men-of-war usually anchor. One shot fired over the Chinese Commandant's head silenced these warriors, and Captain Maxwell feeling pity for the men, acting most probably under strict orders, did not continue. The wind failing, and tide nearly down, the *Alceste* was compelled to anchor; and here I must observe, that a Merchant told me this morning that this step was reported to be in consequence of the active exertions of the squadron. In the evening the wind proving favourable, Captain Maxwell weighed anchor, for having found the Chinese so determinedly hostile, it became necessary to support the honour of the flag, and to maintain the privilege granted to the *Lion*, by instantly proceeding within the Bogue. The moment she weighed, a signal was made from the boats, and lights displayed at all the forts, with a sharp cannonade from four forts, containing probably 80 or 100 guns, two of which have been lately erected. Several shot struck the *Alceste*, two of which are at present in her bows, and it was impossible to carry forbearance any further. Captain Maxwell when sufficiently near the forts, about half a musket shot, poured in his broadside; the lights disappeared in a moment, and little more was heard from those on the starboard side; but a fort on the larboard, against which the guns could not be brought to bear, continued its fire for some time. The *Alceste* anchored at second bar without further molestation, and Captain Maxwell arrived in Canton this morning. Thus far is a short statement of the movement of the *Alceste*, which will undoubtedly give rise to many reports. We have now from the inferior Chinese accounts from 3 to 40 men killed; but from the manner in which the Senior Merchants behaved yesterday, when they declared their ignorance of any firing having taken place, and their readiness to place the ship in any port, if she would retire in one day, I am led to believe they will not admit the firing, and that they would willingly hush up the encounter. This England cannot consent to, and believe me, sir, the acts of a Viceroy will ever continue arbitrary and unjust, if not properly resisted. The trade only requires a check on his conduct, and the extortion of other Mandarins at Canton, and I trust the cautious, judicious and firm conduct of Captain Maxwell on this occasion, will lay the foundation of placing the Company's trade on a steady footing, and receive that support from the Ministers and Court of Directors as will convince the Chinese the blood of Lord Anson still flows in the veins of Englishmen. I might be told, as President of the Factory, these are not the sentiments I should promulgate; in reply, I assert they are the sentiments held in private by every man who has visited China in the last 20 years, and it is only to be regretted, the constant victories gained by a few Supracargoes should not have carried such conviction, as to make these sentiments more agreeable. I am aware they are not to be stated in a public letter, but as throughout life I have never disguised my opinions, I feel it my duty to convey them in some manner. I have lost my most worthy father, and have not the honour of being intimately known to any Director. That father introduced me to you, and taught me, sir, to respect your character to a degree that has induced me, in a mixture of public and private, to convey the actual state of things in China.

Now, my good sir, to the part we have taken in regard to the *Alceste*. With the Merchants I have declined all interference, and referred them to her captain. But, as was my duty, I privately warned Captain Maxwell of the character of those he had to deal with. If he did not think the privilege established by the *Lion*, viz. entering the Bogue, a sufficient point to be attempted whilst any risk of discussion existed, I suggested a plan of proceedings for remaining without the Bogue; but if he conceived the Ambassador wished, and his own judgment determined him that it should be insisted upon, I then pointed out the fallacy of negotiation, and that in China the act must be performed and afterwards discussed. Had any formal application been made, it would have been refused; not upon the laws of China, but the arbitrary pleasure of an hostile Viceroy, and any proceeding contrary to his expressed will and pleasure would have proved very serious. As it is, I do hope the Viceroy will discover his error throughout, and that no evil consequences may arise to our trade. In a fortnight I hope we may despatch some of our ships with the result. From present appearances, I should boldly say, there is no cause for apprehension, but if I am mistaken, I should beg to plead, that the man who can, in China, decidedly prophecy the acts of the morrow, is unborn. A few more words on myself. If these ideas should be held as too strong, I have only to request I may be judged by my public acts, and I feel confident that no chief under whom I have served will scruple to say, the Company never had a more zealous servant. Throughout my conduct in this present discussion

cussion, I condemn myself for forbearance; at the same time, I act from instructions, and have only the alternative of endeavouring to convince the Court, that absolute submission is not necessary. I trust I never shall be the cause of losing the trade, or, I hope, give the Company real cause to be offended with me. Again apologizing for intruding myself on you,

I remain, dear Sir, your's most faithfully,

(signed)

Theos. J. Metcalfe.

II.

China Papers.

His Majesty's Ship
Alceste.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 4th December 1816.

Par. 2. SINCE we had last the honour to address the Honourable the Secret Commercial Committee by the Cornwall, His Majesty's ship Alceste has entered the river, and we beg to refer to our Public Consultations of the 17th November for the statement which we received from Captain Maxwell, of his proceedings, and the hostile opposition of the forts at the Bogue, unjustifiable in its commencement, at Chumpee, and we are confident in no means warranted by any orders from his Imperial Majesty. When it was known that the Alceste had entered the Bogue, we learnt that an Edict was published in the city, notifying that although unusual for King's vessels to enter the river, on this particular occasion permission had been granted. Such an assertion will be convincing to your Honourable Committee of the little reliance that can be placed on any edict.

3. Captain Maxwell on his arrival in Canton addressed a letter to the Viceroy, which was translated by Mr. Bannerman with the assistance of Mr. Ball, and it is with pleasure we notice the satisfaction expressed by Captain Maxwell of the manner in which this translation was made. The letter was sent through one of the Compradores to the head Merchant by Captain Maxwell, with particular directions that he should deliver it with his compliments. The President had previously informed the Senior Merchants, that it would be delivered to them in this manner or by Captain Maxwell himself. It was at their own request that they became the bearers of the letter; it however suited the purpose of Government that the Committee should be connected with this transaction, and consequently the Merchants did not scruple to assert, they had received the letter from the President; our Compradore readily appeared before the Merchants, and declared that he had never mentioned Sir T. Metcalfe's name, but stated the letter was delivered to him by Captain Maxwell. Pinqua and Puankhequa however firmly denied this, and claimed a right to belief from their both concurring in the assertion; we are, however, confident the Compradore would not have ventured to appear before them in this manner, had he not strictly obeyed the injunctions given him. Any altercation must have led to a very serious dispute, but we have thought it our duty to report it to your Honourable Committee, as a proof of the deceptions which are practised in all negotiations with this Government.

4. This conduct came to our knowledge by our permitting Puankhequa to read an address from the Viceroy to the Merchants, which directed them to apprise the President for the information of the British Captain, of his answer to Captain Maxwell's letter, the preamble of which stated the letter had been delivered to them by the President. In the course of the reading of this document, to which we had consented as a private communication, we fully discovered their intention of reporting to the Viceroy that his orders had been obeyed; we therefore stopped their further proceedings, and we trust your Honourable Committee will approve of our determination not to interfere in this discussion.

5. It appeared by the extracts read to us, that the Viceroy had omitted such parts of Captain Maxwell's letter, the terms which might either be offensive to the Government, or more particularly pointed out the unjustifiable acts of hostility; the defence set up for the conduct of the officers of the forts was alleged to arise from the hasty proceeding in entering the Bogue, which did not permit the receipt of his orders, said to have been published on that very day, in the Edict to which we have alluded in the 2d Paragraph. We do not hesitate to express our firm belief that no success would have attended negotiation, and that but for the judicious and firm conduct of Captain Maxwell, the privilege granted in 1793 would not have been preserved.

II.
China Papers.

Redress of
Grievances, &c.

6. Although we had informed the Merchants that no Captain in His Majesty's Navy, employed on so important a mission, could receive an answer addressed to Merchants, they proceeded to visit Captain Maxwell, who, as expected, refused to see them. They afterwards sealed the paper, and sent it by a Compradore, which was returned, and on our pointing out the impropriety of such a proceeding, they declared the order from the Viceroy is so positive, that they must endeavour, by all means in their power, to obtain its reception; we have assured them this is unavailing, and if the answer is not given in a respectful manner, it is not required, but Captain Maxwell will probably again address the Viceroy. The *Lyra* brig anchored at the second bar without molestation; pilots were offered, and every mark of attention shown on passing through the Bogue.

(16.)—DISCUSSIONS WITH THE GOVERNMENT OF CANTON.—SEASON 1817-18.

Discussions
with Canton
Government.
Season 1817-18.

EXTRACT LETTER in the Public Department, from the Select Committee of Supracargoes at Canton to the Court of Directors, dated 8th December 1817.

Par. 62. IN the course of last summer, an attack, of an unusually daring and atrocious nature, was made by a party of Chinese upon the American ship *Wabash*, while at anchor in Macao Roads, by which several American seamen were killed, property in opium, dollars and articles of lesser value was carried off. We deemed it proper to address the Government upon this occasion, to give weight to the representations of the Consul of the United States upon a subject which involved the interests of all foreign nations trading to China. A number of the robbers were shortly arrested, together with considerable part of their booty; three of the former underwent capital punishment at Canton; the opium being a prohibited article was ordered to be destroyed, but the money was restored to the commander of the ship, who was called before the Quongchow Foo, and dismissed with a reprimand for appearing upon the coast of China with a prohibited article, by which he had subjected himself to a punishment, though it was remitted in this instance as an act of clemency.

63. The captains of the country ships then recently arrived appealed to us for instructions for their guide; the question was one of peculiar delicacy. Nations in general must be admitted to possess the right of regulating their commerce according to their separate views of policy; but China forms an exception to civilized countries, where trade is regulated by treaties. Foreigners have, equally with natives, the protection of the laws. When custom is invariably referred to by one party as the rule of action, it is but equitable that the advantages of that test should be reciprocal. Viewed in a prudential light, the admission of the novelty attempted to be imposed by the Merchants was greatly to be deprecated, as the records of the official year 1800-01 prove, that a conspiracy to attach the charge of smuggling to an obnoxious Hong is within the ingenuity of the Chinese. Upon reviewing the circumstances likely to arise from the admission of the bond by foreigners, we resolved to oppose the measure rigorously, issued orders to the commanders of all country ships, forbidding the signature of any such instrument; after a considerable delay, and some correspondence with the Merchants, the measure was abandoned by them, and trade resumed as formerly.

64. Transactions had scarcely taken their usual course, when threats of an intention on the part of the Chinese Government to search all ships in the river, occasioned a second appeal to our Board from the captains of country ships. The same reasoning which against general principles justifies opposition to the enactments of this Government, in the instance mentioned above, imposed it as a duty upon us to manifest a determination to unite the force of the British trade, to resist an innovation which would entail very serious impediments upon the trade between India and China. The removal of His Majesty's frigate *Orlando* from Lintin to Chumpee, joined with the publicity of the resolution to resist a search, we believe had a due effect, and the apprehensions of the attempt being made gradually disappeared.

II.

China Papers.

Discussions
with Canton
Government.
Season 1820-21.

Death of a Chinese.

(17.)—DISCUSSIONS WITH THE GOVERNMENT OF CANTON.—SEASON 1820-1821.

Chinese killed by an Officer of the 'Company's Ship London.

LETTER from the Select Committee at Canton to the Secret Committee of the Honourable Court of Directors, dated 7th December 1820.

Par. 1. WE avail ourselves of the departure of the American ship *Ophelia*, bound direct to Cowes, to address your Honourable Committee previously to our closing our despatches to England by the Honourable Company's ships *Orwell* and *Scaleby Castle*, which will sail in a few days.

2. We think this indispensably necessary lest information from other quarters should be received in England before those ships arrive, which may create alarm and apprehension to the Honourable Court, from the unfortunate occurrence of a Chinese having been killed at Whampoa on the 27th ultimo, whereby we have been involved in a discussion with this Government, and which at one time led us to apprehend the most serious embarrassment to the Honourable Company's trade in China.

3. As your Honourable Committee will very shortly be in possession of our detailed proceedings, we shall confine ourselves to a brief statement of the facts which caused this unfortunate occurrence, the steps adopted by the Chinese authorities in consequence, and the remarkable and singular circumstances which have fortunately combined to bring about a favourable and speedy termination of the difficulties which have threatened the Honourable Company's interests at this port; the details of our proceedings upon this important subject we shall forward by the Honourable Company's ships *Orwell* and *Scaleby Castle*.

4. On the 27th ultimo a boat from the Honourable Company's ship *London*, with Mr. Pigott, fifth officer, and six men, proceeded up a branch of the river some distance from the shipping, for the purpose of procuring water; during their passage up to the watering place, as appears from the depositions of the seamen, they were assaulted with stones, and also experienced (as is but too common) much abusive language from the Chinese on the banks of the river; a ship's musket had been unfortunately put into the boat, and Mr. Pigott, in order to intimidate the Chinese, on one occasion discharged it loaded with peas in the direction of a party consisting of men and boys who were thus irritating him; after an interval he loaded the gun with what is supposed he believed was a blank cartridge, and on another occasion of abuse and much pelting, he discharged it a second time so loaded, intending to fire it over the heads of the insulting parties; it appears he was not aware that he had struck any of the Chinese by these shots; and it is stated by the seamen in the boat that they conceived no dangerous consequences had ensued. Having completed their watering trip, they returned late at night to the *London*.

5. It has since appeared that both these shots took effect, the first by slightly wounding three boys, and the last by occasioning the death of a man.

6. Some Chinese who were near the spot at the time, in order to ascertain who were those who shot the man, pursued the *London's* boat, and having traced her alongside, proceeded at once to the Mandarin of the district, and lodged a complaint against that ship, with all the circumstances of this unfortunate event; the result of this was an official communication from the Puan-hu-Hien to the Merchants, recapitulating the circumstances, and directing immediate inquiry to be made for the offenders, and the nation to which they belonged. This official document, dated on the 2d December, was communicated to us by the Merchants on the morning of the 29th ultimo, and was the first intimation we had of this unfortunate occurrence.

7. The delay that thus occurred before we were made acquainted with the circumstance, and the advanced progress the affair had arrived at in the knowledge of the officers of Government, rendered it difficult, if not impossible, to silence its further progress by pecuniary bribes, but we lost no time in trying their efficacy, and succeeded so far with the family of the deceased Chinese, in quieting the expression of their feelings, and neutralizing their evidence, as to make it appear this unfortunate occurrence was wholly unintentional; and we sent off an express to Macao for Dr. Morrison, who was absent with our permission, but whose immediate presence now became indispensable.

II.

China Papers.

Redress of
Grievances, &c.

8. As we were assured a discussion with the Government was inevitable, and that their demand for an investigation into the affair and surrender of the offending party, would be peremptory, we lost no time on the 30th ultimo in appointing a Committee of Commanders, to proceed instantly to Whampoa, to inquire into the circumstances, and make a report of their proceedings to us in writing.

9. On the 1st instant the Puan Yue Heen, Magistrate of the Whampoa district, proceeded down to Whampoa, and with the accustomed formality, held an inquest on the body of the deceased Chinese; and having completed the depositions taken on this occasion, he forwarded his report to the higher authorities; it arrived in due course to the knowledge of the Viceroy, who, jointly with the Hoppon, issued an Edict addressed to the Merchants, dated the 2d instant, requiring them without delay to acquaint the English Chief with these occurrences, and directing instant measures to be taken for investigating the affair, and apprehending the offender. This Edict was communicated to us privately the same evening, and on the following morning, the 3d instant, we received it from the Merchants officially, it was also coupled with another Edict from the Puan-yue-heen, stating that the business now assumed a more atrocious aspect, for it had been ascertained that three boys had been wounded on the 27th ultimo, besides the Chinese who had been shot; it further added, that as this affair was traced to have been committed by persons belonging to the London, all commercial intercourse would be suspended with that ship until the offending parties were delivered over to them for trial and judgment; no suspension, however, of the general commercial intercourse, or interdiction to the departure of ships took place.

10. From the Report of the Committee of Commanders we could obtain but very vague information as to the facts which led to this unfortunate affair, but we received the certain intelligence that Mr. Pigott, the 5th officer of the London, was missing, and we have since learnt that he absconded on the 1st instant.

11. Immediately on receiving this intelligence, we directed strict search to be made for Mr. Pigott in all British ships in the port, with directions for his apprehension, which however proved fruitless.

12. Dr. Morrison arrived at Canton on the 3d, and by his valuable assistance and thorough knowledge of the Chinese language, we were speedily put in full possession of the tenor of the demands made by this Government; but as on so important and serious a subject it would be imprudent to be precipitate in our reply to the Viceroy, we informed the Merchants we must deliberate upon it, and form an answer on the following day.

13. Although Mr. Pigott's having absconded relieved us from all apprehension of the necessity that might otherwise have existed for our submitting to his being examined, and perhaps convicted of an offence which our laws might probably consider as manslaughter, but which those of China would treat as capital, we were unavoidably exposed to great difficulties and embarrassments; for the idea of a criminal having escaped, however great the opportunity afforded him for so doing, was an occurrence which the Chinese authorities could never publicly avow as possible.

Par. 14. In this dilemma, while deliberating on the measures it would be necessary for us to adopt, an event took place on board the Honourable Company's ship Duke of York, at Whampoa, as unexpected in its occurrence as it was likely to prove favourable in its consequences in putting an immediate termination to our difficulties.

15. An express reached Canton late on the night of the 3d instant, informing the President that on that day, shortly after an officer and party were on board the Duke of York charged with our orders to search after and detain Mr. Pigott, the butcher of that ship had suddenly cut his throat with a razor, and instantly expired. The first idea that suggested itself to the officers at Whampoa was to carry the corpse of this unfortunate man to the London, and affirm that it was the remains of the fifth officer of that ship. It was finally, however, arranged that no measure should be taken without our previous knowledge.

16. We determined upon ordering that the body should not be removed from the Duke of York; for great as the temptation was to avail ourselves of this most singular and remarkable coincidence to delude the Chinese Government with the idea that the person who had thus committed suicide was actually one of the persons in the London's boat on the 27th ultimo, and that he had been induced to commit violence upon himself from the dread of his impending fate and a sense of deep

deep remorse at the unfortunate events of that day, we did not conceive it would be consistent either with our own feelings or the character necessary to be maintained by the representatives of the British nation in this country, to affirm in writing a statement not founded in truth.

17. As, however, the Chinese Government might choose to avail themselves of such a subterfuge, (and we were informed the Viceroy would gladly embrace it), we considered it our duty, under the embarrassments we might otherwise be placed in, to facilitate rather than impede an inference to be drawn from the above circumstances which might enable them to satisfy the forms of justice.

18. We accordingly, on the 4th instant, addressed a short note to the Merchants, the substance of which, at their request, on the subsequent day, we embodied in an address to the Viceroy, copy of which we have the honour to enclose, and which we trust will meet with the approbation of your Honourable Committee.

19. The result of the letter we thus addressed to his Excellency was an Order from him for the Quang-chow-foo, and two Mandarins of rank, to proceed with the Merchants to Whampoa, to investigate the causes which led to the suicide of the butcher, and to investigate the boat's crew of the London.

20. On the 6th instant the above-named officers of Government proceeded on board the Duke of York on duty, and having examined the corpse of the butcher, and satisfied themselves that he had himself put a period to his existence, they summoned the six seamen who were in the London's boat on the 27th ultimo, before them, for the purpose of obtaining their evidence as to the facts of the occurrences of that day.

21. This evidence, with a statement of all that took place on board the Duke of York before the Mandarins, is fully detailed in our records, which will be forwarded by the Honourable Company's ship Orwell, having been communicated to us by Mr. Smith, who, in conjunction with Captains Larkins, Patterson and Adams, had been directed by us to be present.

22. Referring your Honourable Committee to these records, we shall refrain in the present despatch from entering more fully into the evidence, further than to state that, as expected, it was entirely fabricated for the occasion, and having been corroborated by the six seamen, and the friends of the deceased Chinese having satisfied the forms of justice, the Mandarins left the ship.

23. Thus has the Honourable Company's Trade been relieved from serious impending embarrassments, although we cannot, strictly speaking, justify the means adopted to bring about this favourable issue, we trust, with the knowledge we possessed of the Chinese officers of Government being willing to lend themselves to the deception, that we shall not incur the disapprobation of your Honourable Committee for countenancing an expedient which has thus speedily brought about a termination of the difficulties which threatened the Honourable Company's interest in this port.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 29th December 1820.

Par. 6. SHORTLY after the termination of the discussions respecting the death of the Chinese, it was intimated to us by Pinqua that it might be a very politic measure to expedite as much as possible the departure of the London and Duke of York. The force of this suggestion was immediately acknowledged, and it has since derived additional confirmation from a trifling occurrence a few days ago, which, however, has fortunately failed of the intended object.

7. We are informed that a military graduate, recently returned from Pekin, on hearing of the proceedings in the late case of homicide, conspired with three or four other men to reverse the proceedings, on the ground that the man who committed suicide was not the murderer; to effect this they sought out the aged father of the deceased Chinese, and instructed him to write out a declaration that he was not satisfied with the late proceedings. Whilst engaged in preparing this document, the Whampoa magistrate (the Pwan-yu-hun), suddenly came upon the party and seized them. He obtained from the old man an affirmation that he had been *excited* to write the statement in question, and taught how to word it; and upon a report being made to the Fooyuen, he ordered that the parties implicated should be prosecuted with rigour, as excitors to litigation.

II:
China Papers.

Redress of
Grievances, &c.

12. The late attempt to revive the proceedings, has, no doubt, originated in, the hope of extorting money from the persons connected with the foreign trade. We, trust, however, that as the attempt has met the decided reprobation of the Fooyuen, no further molestation need be apprehended from any persons in this district; and both the ships, as also Mr. Pigott, will have been removed before any advices can be received from Peking on the subject.

(18.)—COMPANY'S TRADE STOPPED BY THE CANTON GOVERNMENT, IN CONSEQUENCE OF SOME CHINESE BEING KILLED BY PART OF THE CREW OF HIS MAJESTY'S SHIP TOPAZE.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 2d January 1822.

Stoppage of
Company's Trade.

Par. 2. IN the letter which we had the honour to address the Honourable the Secret Committee on the 24th instant, by the packet of the Windsor, (duplicate of which we now enclose), we stated the unpleasant occurrence which had taken place at Lintin between His Majesty's ship Topaze and the Chinese inhabitants of that island, and which has resulted in the death of two of the Chinese.

3. The particulars of the affair were communicated by a report from Mr. Hamilton, the First Lieutenant of the Topaze, to Captain Richardson, a copy of which was handed to us by the latter officer, with a letter from himself to us on the occasion. Copies of these letters were made numbers in the Windsor's packet, and we have now the honour to forward duplicates of them, together with copies of the most important documents which have passed on this occasion.

4. As soon as the Windsor was laden and ready for sea, we deemed it prudent to get her out of the river without delay. Considering it however important to have it in our power, if possible, to furnish the Honourable Court by her with information of the probable result of the unpleasant event which had occurred, we considered it advisable to detain her a few days at Lintin for that purpose, and she has accordingly remained at that anchorage, waiting our final despatch to England. As the lading of the Repulse and Farquharson has since been effected, and their grand chops have not been withheld, we have it in contemplation to despatch the Windsor forthwith, and shall have the honour to forward by her the whole of the proceedings of the Lintin affair.

5. When in the early stage of the unpleasant affair at Lintin, we ascertained that the Honourable Company's concerns were likely to be involved in consequence, we were anxiously engaged in pointing out to the local government, through the medium of the Merchants, the injustice of implicating the Honourable Company's affairs, in a transaction wherein His Majesty's ship alone had been engaged, in repeating what we had on so many occasions already stated, how totally unconnected we were with the King's ships, and how completely and positively they were beyond our authority and control; and that therefore we trusted we should be exempted from all embarrassment on this account.

6. We regretted to find all our endeavours in this mode unavailing, and as soon therefore as the suspension of our trade was officially announced to us, we considered it proper to address the Viceroy a temperate representation of the situation in which we were placed.

7. Your Honourable Court will perceive, by the Edict of the Viceroy issued in reply to our representation, that our appeal to him failed in producing the desired effect, and that his Excellency (who is at this time holding in himself *pro tempore* the seals of office of Viceroy, Fooyuen, and Hoppo), has unequivocally declared, that he holds the Honourable Company's representatives responsible for the affair at Lintin.

8. The tone and temper assumed by the Viceroy, and the footing on which he considers the affair, are fully manifested by his Edicts on the occasion, and we are concerned to say the trade continues suspended, nor is it in our power at this period to surmise what is likely to be the result of the very embarrassing situation in which we are placed.

9. We beg to assure your Honourable Court, that every possible exertion on our part shall be used to remove the difficulties in which we have been unfortunately placed.

II.

China Papers.

Stoppage of
Company's Trade.

Death of a Chinese.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 5th January 1822.

Par. 4. BY the Windsor, we have now the honour to forward the whole of our proceedings thus far relative to the unpleasant occurrence at Lintin, whereby your Honourable Court will fully perceive the very embarrassing situation in which the Honourable Company's affairs and representatives have been placed on that account, and the pertinacity with which the Viceroy of Canton continues to hold them responsible for the transactions of his Majesty's ship.

5. We have been daily encouraging the hope, that the Viceroy might be induced to relax in his very unreasonable demands, and that he would besides have deputed an officer of Government to the Topaze, for the purpose of negotiating the existing difficulties with Captain Richardson himself, a measure, the propriety of which we have most earnestly pointed out to the Merchants, and one which your Honourable Court will perceive we suggested to the Viceroy, in our address to him of the 29th ultimo, and which we have again requested of him in our address of yesterday.

6. Finding that all our efforts to extricate ourselves from our very embarrassing situation in vain, and as it is impossible to calculate on what conduct the Viceroy may not pursue in his present tone and temper, we considered the period had arrived when some actual steps should be taken on our part, which would manifest to the Chinese our determination to resist, by the best means in our power, the injustice of their demands.

7. We have, therefore, applied through the Merchants for the usual permission to embark the Honourable Company's treasure, and have fixed on Monday next, the 7th instant, for sending it down to the Honourable Company's ships at Whampoa, and boats from the several ships will accordingly be ordered up for the conveyance of the treasure on that day.

8. It is impossible to say what may be the effect of this measure, but should no advances from the Chinese towards an adjustment of the present difficulties arise from it, and affairs continue in their present posture, we shall at least have the satisfaction of placing the Honourable Company's property out of difficulty and danger, and, consequently, be less shackled should circumstances unfortunately compel us to resort to ulterior measures.

9. Not having heard from Captain Richardson, we are unaware of what his intentions are, and without some knowledge of them it is impossible for us to come to any fixed determination as to the line of conduct to be pursued. Your Honourable Court, however, may rely, that we shall not adopt any precipitate measures.

10. In consequence of the two Edicts of the Viceroy of the 31st ultimo and the 2d instant, we have considered it advisable to try the effect of another temperate address to him, and we shall feel exceedingly rejoiced if it produces any alteration in the Viceroy's present inflexible conduct; two or three days, however, may, in all probability, elapse before this can be ascertained.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 16th January 1822.

Par. 1. OUR last address to your Honourable Court was dated on the 5th inst., at which period we entertained hopes that our address to his Excellency the Viceroy of Canton of the 11th instant, might have brought about some arrangement that would lead to a termination of the unfortunate discussions in which we have been involved with the local authorities of this province, in consequence of the affair at Lintin.

2. It is with regret we have to observe, that his Excellency has remained unmoved by our representations, and instead of listening to our suggestions of deputing some officer of Government to confer with Captain Richardson, has persisted in his unjust demands, and evinced the most inflexible determination in all his Edicts, either to have the murderers (as he terms them) delivered up from the Topaze for trial and judgment, or to hold us individually responsible, should they be withheld any longer by Captain Richardson.

3. This threatening language of his Excellency the Viceroy, so undeviatingly persisted in and so often repeated, at length compelled us, for our more perfect

II.
China Papers.

Redress of
Grievances, &c.

security, to retire to our ships; we accordingly, on the 11th instant, in the morning, proceeded with the whole Factory to the ships at Whampoa, having previously embarked the treasure, and delivered over the Factories and the property in them to the charge of the Merchants, into whose hands we at the same time placed a letter, which we had drawn up for the then officers of the Viceroy, Fooyuen and Hoppo, explanatory of the causes of our departure.

4. The decisive measure of the British Factory having retired from Canton, coupled with the temperate but firm language in which we explained our reasons for so doing to his Excellency the Viceroy, induced that Mandarin to reconsider the motives which had dictated his conduct towards us, and on the day following our departure, he directed the Merchants to proceed to Whampoa, and verbally assure us that the threat of our personal responsibility would no longer be insisted upon; but having great reason to discredit the assertions of the Merchants, we required them to bring us a written reply to our address to his Excellency the Viceroy of the 10th instant, before we could be induced to think of returning to Canton, or indeed to listen to any overtures.

5. On the 12th instant the Merchants again returned to us, bringing with them an Edict, addressed to them by the Viceroy, for our information, the purport of which was to remove the threat of personal responsibility from us, but still to hold it over the Company's trade, in the event of "the foreign murderers" from Captain Richardson's ship not being forthcoming for trial and judgment.

6. The tenor of this communication, written with the view to bring us back to Canton, but evincing in plain terms a determination to renew the discussion, and again to interdict the trade, was not sufficient to induce us to alter our resolution of proceeding down the river; we accordingly have arrived with the whole of the Honourable Company's ships at this anchorage; but before adopting further measures, we shall await the reply of the Viceroy to our letter of the 13th instant, in answer to his communication above alluded to.

7. We have reason to expect that this letter to his Excellency, when he sees the entire impossibility of our acting in the settlement of the Lintin affair, may have the effect of inducing him to depute some officer of Government to confer with Captain Richardson, and thus devise some method of accommodation. The Merchants left us on the 13th instant, intending by every means in their power to recommend this course of proceeding to his Excellency the Viceroy, and we are in great hopes that by this means the present unpleasant discussion may speedily be brought to a close, and that we may be enabled to resume our commercial transactions without risk of further impediment.

8. We feel it impossible to convey to your Honourable Court in the short compass of a letter all the reasoning and argument which has governed our conduct throughout this very arduous and important negotiation, we therefore respectfully beg to refer your Honourable Court to the detailed account of our proceedings, which we now forward per the Honourable Company's ship Windsor, from the period of their commencing (19th December last) to the present date; and from this "Statement" your Honourable Court will be enabled to form an accurate idea of the very embarrassing situation in which we have been placed.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 30th January 1822.

Par. 2. BY the Honourable Company's ship Farquharson, which we do not deem it advisable to detain any longer in China, we now transmit a continuation of our proceedings up to the present date; and it is with sincere regret we have to inform your Honourable Court, that, so far from any termination of our discussions having been effected with the Canton Government, we have been reduced to the necessity of removing the Honourable Company's ships through the Bocca Tigris, as the Viceroy has apparently placed such an insuperable bar to all hope of accommodation, by exacting conditions which it is utterly impossible for us to perform.

3. So far from the Viceroy's acquiescing in the request we made to him, of deputing some authorized officer of Government to confer with Captain Richardson, we had the mortification to receive from that Mandarin a repetition of his unjust demands, expressed in the most unequivocal terms, in his Edict to the Hong Merchants for our information, under date the 16th January.

4. The

4. The Hong Merchants, when they delivered this document into our hands, expressed their regret at the unfavourable terms in which it was couched; but they assured us, that although the Viceroy was compelled in his official papers to persist in his demands, he was in reality desirous to avail himself of any opening, by which he could, with the appearance of propriety, adjust the present embarrassing discussion; and with this view the Hong Merchants suggested to us the expediency of using our influence with Captain Richardson, to persuade him, in compliance with the allusion made in the latter part of the Viceroy's Edict of the 16th instant, to address us, signifying his inability to settle the Lintin affair; but that he would, on his return to England, report it to his Sovereign, when it would be prosecuted according to law.

5. Although former, and indeed daily experience, has taught us that no reliance is to be placed in the assertions of the Merchants; and although we had in the outset of the present discussion most positively declared that we could not interfere between Captain Richardson and the Chinese authorities in an affair so peculiarly their own, we were induced, in consideration of the vast importance attending an adjustment of the Lintin affair, to credit the assertions of the Merchants, and to depart from the ground we had originally taken by consenting, in compliance with their suggestions, to address Captain Richardson, stating their proposition, and leaving it to his judgment to acquiesce in it or not.

6. Captain Richardson, willing to avail himself of any opening by which he could, consistently with his duty, bring about a renewal of the suspended commerce of the Company, consented to comply with the suggestion of the Hong Merchants, and wrote us a letter founded thereon, which we lost no time in incorporating in a letter to the Hong Merchants, and delivered into their hands.

7. The Hong Merchants wished us to address this letter to the Viceroy; but to this we could not consent, as that Mandarin had placed our correspondence under such restrictions, by his Edict of the 16th instant, that any address to him would be quite unavailing. At the entreaty, however, of the Merchants, received again from them after their return to Canton, we conceded this point, in order that no impediment might stand in the way of the proposed mode of adjustment, and addressed the Viceroy on the 20th instant, enclosing Captain Richardson's Statement.

8. The intervention of the Chinese new year on the 23d instant, prevented our receiving any official communication in reply to our address to the Viceroy for several days; but on the 25th instant, the Merchants again came down to the second bar, bringing with them an Edict to their address from the Viceroy, under date the 22d instant, which purported to be an answer to our last address to that Mandarin, the tenor of which, while it clearly proved the falsity of the Merchants suggestions, was nothing more than a reiteration of the unjust demands of the Viceroy.

9. Under such circumstances, and considering it but too evident from the general tenor of his Edict, that the Viceroy was decidedly averse to any sort of accommodation of the existing difficulties, we determined, conformably with our resolution drawn up on the 7th instant, to adopt the determination then contemplated of removing our ships through the Bocca Tigris; and accordingly we proceeded with the whole of the Company's ships through that passage without molestation, and reached this anchorage the evening of the 25th instant.

10. We beg to assure your Honourable Court, that we are fully sensible of the responsibility we have incurred in adopting the decisive measure of moving the Honourable Company's ships through the Bocca Tigris; but we were prepared, if necessary, to take this responsibility upon ourselves, from a conviction, after the fruitless termination of every other possible expedient, that this step was far more likely to convince the Chinese Government of the firmness of our intentions, and, consequently, infinitely better calculated to bring about an accommodation, if they were really desirous of preserving our commerce, than the measure of our remaining inactive and undecided at the second bar.

11. Under this conviction we have removed the Honourable Company's ships to this anchorage; and, we trust, this more decisive measure may induce the Viceroy at last to relax in his unjust and unreasonable demands; should this measure not produce such a result, it will then remain for our deliberate and serious consideration what further measures to adopt in our present most embarrassing situation.

II.

China Papers.

Stoppage of
Company's Trade.

Death of a Chinese.

II.
China Papers.
—
Redress of
Grievances, &c.

12. Although the inconvenience attending the entire suspension of this valuable commerce must be very considerable during the interval that must elapse before a reference to higher authorities can adjust the existing embarrassments, we conceive that our footing in this country must be greatly ameliorated by such reference, and the permanent interests of the Honourable Company and the British nation far better secured, while, at the same time, the heavy responsibility incurred by the Viceroy will, in its consequences, be the means of deterring his successors from that indiscriminate use of the suspension of our commerce, so frequently and unjustly employed by this Government as a means to obtain their wishes on almost every occasion.

13. Under such a view of our present very embarrassing situation, we have not scrupled to act up fully to the principles laid down, when we adopted the resolution of quitting Canton on the 11th instant; and, in order that our measures should appear firm and consistent in the eyes of the Chinese, we made arrangements the day following our arrival at this anchorage for filling up the cargo of the Kent, by transshipping the Congo Teas into that ship from the Charles Grant, Waterloo and Bridgwater; and we also made the necessary preparations for removing the cotton imported to our consignment per country ship Susan, into our own ships at this anchorage.

14. While these arrangements have been going on, we received intelligence through private channels from Canton, that the sensation produced there by the departure of the Honourable Company's ships outside the Bocca Tigris was very considerable, and that we might shortly expect to receive some further proposition from the Chinese Government.

15. On the 29th instant, the Merchants, accompanied by the elder Chunqua, came on board the Waterloo, we regret to say, without official authority to confer with us from the Government, but merely with the view of making some proposition to us, which, in their opinion, might speedily terminate the present discussion.

16. We have already stated to your Honourable Court how little the assertions and suggestions of the Merchants are to be relied upon. We considered it our duty, however, to attend patiently to any proposition they had to make, and, if possible, to comply with it. Their proposal now was, that we should persuade Captain Richardson to assert that two seamen had absconded from the Topaze, an assertion which, in their opinion, the Government would readily avail themselves of to adjust the dispute, by charging these two men with the guilt in the Lintin affair.

17. Such a proposition it is needless to state to your Honorable Court was instantly repelled as inadmissible, inasmuch as the assertion must come from Captain Richardson; and we felt convinced that officer would never acquiesce in making one which would not only be totally devoid of truth, but would also be an unequivocal admission of culpability.

18. We then applied to the Merchants to know if they would be the bearers of a letter from Captain Richardson to the Viceroy, and upon their assenting to the proposition, we informed them that we had no doubt but that he would gladly avail himself of that opportunity to recapitulate the facts attending the Lintin affair, in which he would satisfactorily remove from the mind of the Government a false impression that had gone abroad respecting that unfortunate affair having been repeated a second day; and we assured the Merchants, that had the Viceroy, in the first instance, condescended to receive Captain Richardson's statements, and given them that credit they were entitled to, such an impression never could have existed. We further stated, that on their taking charge of a letter from Captain Richardson to the Viceroy, they must promise us they would deliver it unopened to that Mandarin.

19. The Merchants stated that it was currently believed the seamen of the Topaze went on shore a second day, and committed acts of violence upon the natives in cool blood, but if this could be disproved the affair might be satisfactorily terminated, for the Chinese law made a great distinction in such cases: they therefore consented to take a letter from Captain Richardson, and deliver it unopened to the Viceroy, provided we could assure them it contained an explanation of this important fact.

20. We of course had no hesitation in giving this assurance, and Captain Richardson has drawn up a letter this day to the desired effect, with which the

Merchants have departed for Canton ; and they seem to think it probable that the Viceroy, on the strength of it, will depute an officer of Government on board the frigate to confer with Captain Richardson on this point, and that the business will be finally arranged to our satisfaction, and the renewal of the Company's commerce follow as a matter of course.

21. We have thus briefly recapitulated to your Honourable Court the state of our discussions with the Canton Government, from the period of the sailing of the Windsor to the present date ; a more trying and anxious period we will venture to assert was never experienced, but we have great satisfaction in reflecting that throughout this embarrassing negotiation, while we have steadily resisted every unjust demand, we have uniformly availed ourselves of every suggestion tending to restore the suspended commerce of the Honourable Company which we could adopt with a due regard to the principles of truth, consistency and honour.

II.
China Papers.
—
Stoppage of
Company's Trade.
—
Death of a Chinese.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 7th February 1822.

Par. 3. IN our last Despatch we stated to your Honourable Court that the Merchants had consented to deliver a letter from Captain Richardson to the Viceroy, recapitulating the facts attending the Lintin affair, and explaining away the erroneous impression entertained by the Chinese of a second day's conflict having occurred on that unfortunate occasion.

4. This explanation it was presumed might afford the Viceroy the means of adjusting the present very embarrassing discussions, and the Merchants left us on the 29th ultimo, very sanguine in their expectations of the success of this expedient.

5. On the second instant we had the satisfaction to hear that the Merchants, together with two Mandarins, the Pan-Yu, and the Tung-kwan (or Chumpee) Magistrate, were on their way to Chumpee, the two latter having been deputed by the Viceroy to proceed on board the Topaze, and confer with Captain Richardson on the Lintin affair.

6. On the 3d instant, these two Mandarins repaired on board the frigate, and received from Captain Richardson a statement of the occurrences at Lintin on the 16th December last, and having examined some of the seamen who were wounded on that occasion, they returned to Canton to make their report on the same to the Viceroy.

7. We shall sincerely rejoice if this official mission, so long and earnestly requested by us, may prove beneficial in its results, and be availed of by the Viceroy as a means of terminating at once the difficulties under which the Honourable Company's trade is at present labouring.

8. From the conversation, however, which took place between the Merchants and ourselves, on the morning the Mandarins visited the Topaze, we can hardly venture to conjecture whether such will or will not be the result.

9. It appears from the communication of the Merchants, that although the Mandarins deputed to inquire into the Lintin affair, would cheerfully report Captain Richardson's statement of it to the Viceroy, the Chinese laws could never admit the plea of self-defence as justifiable ; that, therefore, the Viceroy would still be imperatively called upon to persist in demanding the surrender of the seamen so long as the Topaze remained in China.

10. If this be true it is not easy to see in what manner the visit of the Chinese Magistrates can tend to a final adjustment of the present differences. That deputation may have been ordered by the Viceroy in order to relieve himself from the responsibility of never having instituted an inquiry into the affair, or it may have arisen from a desire to have official grounds on which to frame a report to the Emperor, suited to the view which the Viceroy may choose to take of the subject.

11. We yesterday received a letter from Captain Richardson, notifying his intention of proceeding to sea to-morrow. It is impossible for us to conjecture what effect the departure of the frigate from China may have in the present stage of our embarrassing situation.

12. The immediate sailing of His Majesty's ship being now officially understood by us, it only remains for us to discover whether this measure may be productive of beneficial or ill consequences in our present discussions ; and we shall be happy if they prove to be such as are likely to bring about a favourable adjustment of our difficulties.

II.
China Papers.

Redress of
Grievances, &c.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 23d February 1822.

Par. 2. WE have now the pleasure of despatching the Kent with a continuation of our proceedings up to the present period; and it affords us no small gratification to be at length enabled to convey to your Honourable Court the satisfactory intelligence of the final termination of the embarrassing discussion in which we have been involved with the local authorities at Canton.

3. In our despatch by the Repulse, we stated to your Honourable Court, that two Mandarins had been deputed to visit His Majesty's ship *Topaze*, and had received from Captain Richardson his statement of the Lintin affair; it was further stated in that despatch, that although the Mandarins would cheerfully report Captain Richardson's statement to the Viceroy, the Chinese laws could never admit the plea of self defence as justifiable; and that therefore the Viceroy would still be imperatively called upon to persist in demanding the surrender of the seamen so long as the *Topaze* remained in China.

4. Captain Richardson having allowed a reasonable time to elapse, and having received no communication from Government in reply to his statement, determined to proceed to sea, and conformably with this decision sailed finally from China on the 8th instant.

5. Immediately on the frigate's departure we addressed a letter to the Merchants, announcing that event for the information of Government; and we entertained hopes, that as all adjustment seemed to depend upon her movements, this circumstance would speedily bring about a termination of our difficulties.

6. No notice however was taken of our communication until the 13th instant, when the Merchants visited us at Chumpee, making a variety of propositions to us, which, being perfectly inadmissible, we rejected.

7. It appears that the departure of His Majesty's ship *Topaze* had not entirely removed the difficulties under which the Viceroy was placed with regard to adjustment, and that some further representation would be required from us in order to facilitate this object.

8. The propositions and expedients submitted to us by the Merchants being quite inadmissible, and it appearing indispensable that we should make some communication to them, we consented to address a letter to them, in which we quoted the words made use of by Captain Richardson in two of his letters, wherein he stated it to be his intention (now that the Officers of Government had fully inquired into the Lintin affair,) to proceed to sea, and that affair being one beyond his management, it would be represented to His Majesty's Government, and investigated according to the laws of the land.

9. The Merchants left us apparently satisfied with the efficacy of this letter; but on the 17th instant they again returned, entreating us to address a copy of our letter of the 13th instant to the Viceroy, Fooyuen, and Hoppo, with a few alterations in the phraseology, and requesting the insertion of a clause, promising that your Honourable Court would represent the Lintin affair to His Britannic Majesty for investigation.

10. To this latter request however we objected, it being one that we did not conceive ourselves justified in literally assenting to, as we might be laying ourselves open to a renewal of this embarrassing discussion at a future period, when the Chinese Government might require an answer from us upon the subject.

11. Although we did not consider ourselves justified in adding the clause proposed, such importance was attached to the addition of something in our address that would serve to satisfy the Government, that we conceived we might in general terms state, that though the Lintin affair, like all others involving the Company's Trade, would be fully detailed to your Honourable Court, and that Captain Richardson having already assured the Viceroy it would be referred to His Majesty's Government, it was unnecessary for us to repeat it to them through your Honourable Court. We further added, that as the *Topaze* was now gone away, it was impossible for us to give any further explanation to Government upon this subject, but that if the Viceroy would remove the suspension of the Honourable Company's Trade we should be willing to return to Canton, and resume our commercial intercourse.

12. The Merchants left us perfectly satisfied with the alteration made in our letter, which was now shaped in an address to the Viceroy, Fooyuen, and Hoppo;

Hoppo ; and we had the satisfaction, on the 22d instant, to receive an Edict from Government, re-opening the Honourable Company's Trade, and inviting our return to Canton.

13. For a more detailed account of the conduct pursued by us in this embarrassing affair, we must again refer your Honourable Court to the continuation of our proceedings, which are now forwarded per Kent.

14. We forbear making many comments upon the Edict which has been issued, removing the suspension of the Honourable Company's Trade, further than to observe to your Honourable Court, that the Canton Government, finding all the modes ineffectual, have resorted to the expedient proposed on the 17th January last as a mode of concluding the negotiation on the Lintin affair. Your Honourable Court will also perceive, that by the Edict now issued through the Pan-yeu and Tung-Kwang magistrates, who were deputed to inquire into the Lintin affair on board the frigate on the 3d instant, the Viceroy appears to have imposed a share of responsibility upon those Mandarins on its final arrangement.

II.

China Papers.

Stoppage of
Company's Trade.

Death of a Chinese.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 10th April 1822.

Par. 70. YOUR Honourable Court will perceive on these records, under the date noted in the margin, that the Viceroy of Canton has transmitted a paper to us, containing the grossest misrepresentation of the facts relating to the Lintin affair, wherein we are stated as having given assurances to the Government of the return of the accused seamen of His Majesty's ship *Topaze*, and are required, through the medium of your Honourable Court, to convey insulting messages to His Britannic Majesty upon the subject.

Public Consultations, March 21, 1822.

71. This paper, we were assured by the Merchants, was of no real importance, but was sent us merely as a matter of form by the Viceroy ; it appeared however very evident, that our silently receiving such a document, and suffering it to pass unnoticed, would hereafter be construed into an admission of its justice, which in the event of any revival of the discussion would place us in a very embarrassing dilemma.

72. We determined, therefore, to return the paper to the Merchants from whom we had received it, desiring them to inform the Viceroy, that having already assured him all the proceedings relative to the Lintin affair would be faithfully reported to your Honourable Court, and Captain Richardson having also stated that this affair would be represented to His Majesty's Ministers, any further requisition from us seemed quite unnecessary ; but that with regard to our communicating the present paper through your Honourable Court to His Britannic Majesty, it was so complete a perversion of facts, and of such an insulting tendency, that it was quite impossible for us to transmit it. We therefore declined receiving it ; but we added, that if the Viceroy wished to address His Majesty's Ministers direct on this subject, we would not fail to forward his letter.

73. The Merchants communicated our decision to the Viceroy, and returned the paper he had sent us ; and we are informed he expressed great displeasure at our refusing to receive it ; but no further measures having been adopted, we are disposed to believe it will not again be pressed upon us.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 18th April 1822.

Par. 4. YOUR Honourable Court will perceive in our Public Consultations, that another attempt has been made by the Merchants to induce us to receive and forward to your Honourable Court the paper transmitted to us by the Viceroy of Canton on the 19th ultimo, the subject of which has been fully explained in our letter by the *Scaleby Castle* ; it is scarcely necessary to state, that this attempt like the others was steadily resisted by us, and we are disposed to believe it will not be again renewed.

Public Consultations, April 12.

II.

China Papers.

Redress of
Grievances, &c.

LETTER in the Public Department, from Secretary W. H. C. Plowden, to
Joseph Dart, Esq., Secretary, &c. East India House.

Sir,

Par. 1. THE departure of the American ship *Zephyr*, bound to the United States of America, affords an opportunity for the transmission of the enclosed Imperial reply to the Viceroy's report to Peking on the subject of the Lintin affair, which has been recently obtained by the President through a private channel from Canton.

2. The President and Select Committee, in their address to the Honourable Court of Directors on the 26th ultimo, forwarded by the American ship *Levant*, noticed the arrival of this document at Canton, but they were unable at that period to procure a copy of it for the information of the Honourable Court.

3. It is at present impossible to say what further inquiries the Chinese Government may institute on this affair, when a sufficient period shall have elapsed for an answer to be received from England on the subject; but the tenor of the document is of a nature to induce the apprehension of a renewal of the discussion; and it will be observed, that by the Imperial decision the Chief of the Factory is in future to be held responsible for the acts of His Majesty's naval officers.

I have the honour to be, Sir, your most obedient servant,

Macao, }
May 7th, 1822. }

(Signed) *W. H. C. Plowden*,
Secretary.

EXTRACT LETTER, in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 30th May 1822.

Par. 1. ON the 7th instant our Secretary transmitted to Mr. Secretary Dart, for the information of your Honourable Court, the copy of the Imperial decision on the subject of the Lintin affair, which had been privately obtained from Canton.

2. By the departure of an American vessel, now sailing for the United States, we avail ourselves of the opportunity of addressing your Honourable Court, for the purpose of transmitting the official communication to us of this Decree, which was received yesterday from Canton through the Hong Merchants. We also think it our duty without delay to draw the particular attention of your Honourable Court to this important document, not only with reference to its bearings upon the Lintin discussion, but its operation on any similar occurrence.

3. A review of the whole of our proceedings during this discussion, the falsified representations of the local government to Peking in February last, (to which our assent was subsequently required, but withheld), and the present result of the Viceroy's report to the Emperor, will clearly explain to your Honourable Court the embarrassing situation we may be placed in should the requisitions of Government be followed up, and what is now expected from us on any future and similar case.

4. Your Honourable Court will perceive that the two great points attempted to be maintained by us during the recent discussion, viz. that "self-defence was universally considered a justification of homicide," and that "the representatives of the Honourable Company could not justly be responsible for the acts of His Majesty's naval officers," are now not acknowledged. And we beg to inform your Honourable Court that the Imperial reply has appeared in the Peking Gazette, where it is published to the Empire as "the last declaration of the laws of China concerning homicides committed by foreigners in this country."

5. It is unnecessary for us to offer any further comment upon this subject, for with all the documents relating to it in your possession, your Honourable Court will be fully competent to judge of its present and future effects. But when we reflect upon the power with which the local authorities at Canton are now invested by this last promulgation of the law, and the fatal termination of the American homicide in October last, we can hardly flatter ourselves, in the event of any future accidents, that that line of cautious policy towards foreigners will be observed, which has hitherto characterized the Chinese in their discussions with us upon affairs of this nature.

6. Since

Public Consultations, 1822, March 19, 21, 22, 28 & 30; April 12.

6. Since the decision of Government has now been officially communicated to us through the Hong Merchants, we do not conceive that we can with propriety allow it to pass unobserved. We therefore beg to acquaint your Honourable Court, that we have come to the determination of addressing the Fooyuen, (who is at present holding the seals of office of the absent Viceroy), protesting against the justness of the present requisitions of the Chinese Government on the subject of homicides, and expressly disavowing the truth of the assertions of the late Viceroy respecting our promise of producing the men of His Majesty's ship *Topaze* for punishment.

II.
China Papers.
—
Stoppage of
Company's Trade.
—
Death of a Chinese.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 15th July 1822.

Par. 9. IN our last address to your Honourable Court, dated the 30th May, (duplicate of which accompanies our present despatch), we transmitted for your information the official communication of the Imperial decision on the Lintin affair, which we had received on the 29th of that month, through the Hong Merchants from Canton.

10. In the 6th Paragraph of that Letter, we stated to your Honourable Court that it was our intention to address the Fooyuen of Canton, (who was acting for the Viceroy during his absence,) protesting against the justness of the requisitions of the Chinese Government on the subject of homicides; and by a re-statement of the real facts that occurred during the Lintin discussion, expressly disavowing the truth of the Viceroy's assertions respecting our promises, in his report on that affair to Pekin.

11. Conformably with this determination, we drew up the Enclosure, No. 2, which was transmitted to Canton by Mr. Robarts and Sir William Fraser, and delivered through the Merchants to the Fooyuen on the 9th ultimo; on the following 17th we received in reply the Enclosure, No. 3, from Canton, wherein the Fooyuen, so far from admitting the justice of our reasoning, appears to insist upon the principle of our being responsible for the acts of His Majesty's ships, and requires implicit obedience to the commands of the Emperor of China, and we have reason to believe that such are the actual expectations of the Chinese Government from the interest that has since been taken (through the Hong Merchants) to impress their necessity upon us.

12. The local government having been made acquainted with our sentiments by the enclosed "Re-statement of facts," we have not deemed it necessary to return any reply to the Edict of the Fooyuen, received on the 17th ultimo, and since that period all communication on the subject of the Lintin affair has ceased. It is impossible for us to say what further measures the Chinese Government may think proper to adopt; but we beg to state to your Honourable Court, that we conceive the tenor of the enclosed documents are of a nature to induce the apprehension of a renewal of this unpleasant discussion, when a sufficient time shall have elapsed for an answer to be received on this subject from England; and this opinion may derive some weight from the circumstance of the immediate return of the Viceroy, Yuen-tajin, who, it is said, is now on his way to Canton, having received the Imperial instructions to this effect while on his journey to Pekin.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 27th March 1823.

Par. 3. THE Viceroy intimated to the President, through the Hong Merchants, that he looked forward to the arrival of the next ships from England for the return of those persons responsible for the death of Chinese subjects during the disturbance at Ling-Ting; and likewise that neglect on the part of the Merchants to procure satisfaction, would be attended with serious consequences. It appears that a petition from an inhabitant of Ling-Ting to the Imperial Court has been transmitted to the Viceroy, who, in his justification, has asserted that the period for the return of the criminals from England has not arrived, but that he would not neglect his duty at the proper season, in consequence of which he has resumed the communication of the subject to the Hong Merchants.

II.
China Papers.

Redress of
Grievances, &c.

LETTER in the Public Department, from Secretary J. N. Daniell to
Joseph Dart, Esq. Secretary, East India House.

Sir,

Par. 1. I AM directed by the President and Select Committee to acquaint you, for the information of the Honourable Court, that the suspension of commercial proceedings imposed by the Chinese Government is at length removed, by an Edict received from the Hoppo on 23d ultimo, immediately subsequent to which orders were issued to the Commanders of the Honourable Company's ships to proceed from their anchorage in the neighbourhood of Macao to Whampoa, where they have all arrived, with the exception of the Honourable Company's ships Windsor and Hythe, both of which ships may be expected in the course of the present month.

2. In compliance with the tenor of the instructions of the Honourable Court, orders were given to the commander of the Honourable Company's ship Bombay on her arrival to proceed to Whampoa as usual. Shortly after which event, an Edict was issued by the Viceroy, requiring the delivery of the two murderers, whom he had notified to the Emperor were to be expected in the ships of the present season.

3. A reply was immediately delivered to the Hong Merchants, who were the bearers of the Viceroy's communication, that no individuals were to be ceded to the requisition of the Viceroy; and that the ill health of Captain Richardson, by detaining him at the Cape of Good Hope, had prevented the occurrence of an investigation; that this was the only communication made by His Majesty's Ministers to the Court of Directors; but that any further advices on the subject should of course be made known to the Government upon their receipt by us.

4. After considerable discussion, which will be fully detailed upon the departure of the Honourable Company's ship Bombay from hence at as early a period as possible, the Edict above alluded to was received from the Hoppo setting forth, in explicit terms, that no stoppage of the trade should recur after the arrival of the Honourable Company's ships at Whampoa, although a continuation of correspondence on the subject in question will probably occur.

The Factory will proceed to Canton on the 10th instant, and every exertion used for the early despatch of the Honourable Company's ships.

I have the honour to be, Sir, your obedient servant,

Macao, }
9th October 1823. }

(signed) J. N. Daniell,
Secretary.

EXTRACT LETTER to the Secret Commercial Committee of the Court of Directors, from the Select Committee at Canton, dated 20th November 1823.

From the Secret
Commercial Com-
mittee, April 16,
1823.

Par. 2. IN accordance to the instructions of your Honourable Committee, we permitted the Honourable Company's ship Bombay to proceed to Whampoa under the usual orders; but shortly after her arrival there, upon the application of Captain Hine to land his private trade, permission was refused, and the Hong Merchants proceeded to Macao, bearing a letter from the Viceroy, demanding the cession of the "two murderers."

Statement, August
16, 17.

3. This demand we of course informed them could not be complied with; and we considered it the most advisable and conciliatory tone for adoption, to address the Viceroy, informing him that the non-arrival of Captain Richardson in England had prevented an investigation by the proper authorities; but that whenever we received a reply expressive of the result of such examination, we should not fail to make it known immediately to his Excellency.

Statement, Aug. 24.

Ditto.

4. The Viceroy, on the delivery of our reply, expressed himself in a very impassioned manner, threatening the Hong Merchants with punishment, and returned our letter. This at once placed a bar to all communications, and the request of the Hong Merchants, that we should so alter its purport, as to pass in silence the accusations implied against the party from the frigate, and thus receive the responsibility which the incorrect statement of the Viceroy had attached to him, was deemed inadmissible.

Statement, Aug. 29.

5. Our determination to adhere to the only grounds which could eventually exonerate us, although attended with an immediate disadvantage, placed the Hong Merchants

Merchants in so precarious a situation with respect to the Viceroy, that they expressed to us their determination of acquainting him they could no longer conduct the foreign trade under a responsibility for actions over which they could exercise no control.

6. Upon the declared resumption of offensive proceedings on the part of the Chinese Government, it became our object to place all the impediments in our power to their receipt of the pecuniary advantages attending the foreign commerce, as by occasioning a reciprocal sensation of the injury attending an embargo on our shipping, we were most likely to produce a speedy termination to it.

7. Acting upon this motive, we resolved to prevent any British vessel from entering the river; and issued orders to the commanders of the Honourable Company's ships to choose an anchorage in the neighbourhood of Lintin, but upon no account to permit any communication with that island.

8. The period at which the Hoppo was desirous of ascertaining the duties upon the foreign trade was fast approaching, and rendered him anxious for some opportunity of inducing the ships to enter the river, without compromising the Government as to their future operations, but having failed in so doing, and the Viceroy being sensible of the inconvenience attending the line of conduct we had preserved, and the little probability of a successful issue to his requisition, at length consented to permit the Hoppo to publish an Edict, disavowing their intention of placing any further embargo on the shipping now arrived, and inviting a resumption of commercial proceedings.

9. After the receipt of such a document, we immediately gave orders to the Commanders to proceed to Whampoa, and in a few days obtained a chop for the Factory to embark.

10. On our arrival at Canton, we found every thing had resumed its usual course, and the late subject of discussion apparently forgotten. The Merchants who had solemnly taken leave of us on foregoing any further commercial intercourse with the Honourable Company, were ready to congratulate us on what they termed the complete success of our negotiation, and asserted that the affair was virtually terminated. Although it may be mentioned in the ensuing season, every successive notice will be weaker and weaker.

II.
China Papers.

Stoppage of
Company's Trade.
Death of a Chinese.

Statement, Aug. 18.

Statement, Sept. 17.

Statement, Sept. 23.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 16th November 1826.

Par. 6. SUBSEQUENTLY to this resolution which we had adopted, to leave unanswered the inquiries which the Viceroy had directed the Merchants to institute, they continued to express to us their great anxiety on the subject, and we accordingly deemed it advisable to communicate our opinions distinctly to the Senior Merchants on the occasion. We informed them, that as the transactions to which the Viceroy's Proclamation had reference had been referred to the British Government, and received their decision, they formed no longer a subject in which we had the ability to interfere. We deemed it right to acquaint them that a letter was now in our possession from the British Minister, to whom all transactions connected with the Lintin discussion had been referred, addressed to the Viceroy of Canton; and we acquainted them with the general tenor of Mr. Wynn's letter, dated 6th April 1824. We informed them that we had abstained from delivering this letter, from concluding that the discussion had been finally closed, but that if re-opened, our only course left to pursue would be to present the letter to the Viceroy. The Merchants expressed great alarm at this proposition, and entreated that such an intention might not for a moment be entertained. We endeavoured strongly to impress upon their minds that the letter from the President of the Board of Control explicitly declared that it was a question which could only be adjusted by the respective Governments of the two countries, and was no longer one in which we had the power to interfere. The Merchants had recourse to a variety of propositions, such as Chinese sophistry could alone suggest or attempt to justify. They stated that as it was a question involving Chinese prejudices and feelings, it was but just that it should be decided on Chinese principles, and that all that was required was an admission that punishment had been inflicted on those who had violated the laws of this country; that it was now immaterial whether that punishment had been inflicted or not, provided it was stated to have been. On

II.
China Papers.

Redress of
Grievances, &c.

such a course being declared inadmissible, they said that we must be aware that among the numbers of which a ship's company was composed, some must have died on the homeward voyage, and that we could find no difficulty in stating that such had actually been the case. This proposition was evidently made with the intention of making it appear that the deaths had been the consequence of criminal conduct. When we expressed to the Merchants our determination to have recourse to no such expedients, they proposed that we should state, that no final answer had as yet been received from England; that this would at all events gain time, and keep off for the present any further agitation of the question. These, and many other similar evasions were proposed by them, but on finding that we remained resolute in refusing to countenance any assertion whatever inconsistent with our knowledge of the facts, they expressed their apprehensions that embarrassments might arise were means not derived to satisfy the officers of Government. In this situation, therefore, the question remains, and we can only repeat to your Honourable Court our conviction, that it is not the intention of the Canton authorities to awaken serious or embarrassing discussions. At the same time, the experience of past years powerfully demonstrates that the measures to be adopted by a Government so little under the influence of public principle can never with any confidence be relied on.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 5th March 1827.

Par. 2. WE have lately been informed by Pinqua, who, in stating it to the President, requested it might be considered as a most confidential communication, that a memorial, signed by himself and Mowqua, had been privately presented to the Viceroy, containing an accurate statement of the facts of the case, that no punishment had by the British Government been awarded to those who, by the Chinese laws, had been pronounced to be guilty, and that any further power of interference with the question had been withdrawn from our hands, and that nothing but embarrassments could be the result of renewed discussion. We are now confidently assured, that no attention has been paid by the Viceroy to renewed petitions from the natives of Lintin, and that it is not his intention to re-open the question, being sensible that neither credit nor advantage can arise from it.

3. We have felt it our duty to place your Honourable Committee in possession of a knowledge of this circumstance, which is satisfactory, as being the probable conclusion of a tediously protracted and anxious discussion, while it exhibits a striking instance of the Government of this country (in a question involving its public honour), having submitted to be influenced by private information, and having been induced to relinquish those proud pretensions to unconditional submission, which it had previously so imperiously assumed.

(19.)—RESPECTING AN ATTEMPT OF SOME CHINESE TO EXTORT MONEY.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 12th January 1823.

Attempts of Chinese
to extort Money.

Par. 2. WE regret to have to relate to your Honourable Court an attempt, of a very injurious tendency, to extort money from the Commander of the Honourable Company's ship Earl of Balcarras, under the pretext of the death of a Chinese having been occasioned by a blow from a piece of wood, thrown by some person on board that ship; but which affair was fortunately brought to a conclusion, by the free confession of the father of the deceased, that his son died from disease; and it was moreover discovered, that some scratches, inflicted on the head of the dying man, were done by a piece of chinaware, as evidence of the wounds they proposed to assert he had received.

3. It appeared by the evidence of Captains Cameron and Drummond, who was a witness of the transaction on the morning of the 6th instant, that two men brought a third in the last stage of disease, and continued for some time alongside the Earl of Balcarras, in defiance of repeated orders to depart; at length, a midshipman threw a piece of wood of about three inches in length, which fell on the

II.

China Papers.

Attempts of Chinese
to extort Money.

cover of the boat and then into the water, without touching any person. The men, apparently considering their object attained, picked up the piece of wood, rowed round the ship, and placed an almost lifeless body into the Comprodare's boat astern, demanding money as a compensation for imputed injury. The Assistant Surgeon of the Earl of Balcarras, upon inspecting the body, found the nose and the palate of the mouth were destroyed by disease; and that the man was on the point of death, without the appearance of any wounds that could have hastened it.

4. After some discussion with the two men, they left the ship and brought a third to aid their demands, whom they denominated a soldier; in conjunction with this person, they required 3,000 dollars, but said that the father of the invalid would shortly arrive, with whom they could arrange; previous to which the sick man died; and on the arrival of the father, Captain Cameron placed them all in custody, and proceeded to Canton in company with Captain Drummond, to report the circumstances to us. The line of conduct adopted by Captain Cameron, in securing the persons of the Chinese, gave great satisfaction to the Merchants, as they expressed, when the report was made to them.

5. We stated the case early in the following morning in an address to the Viceroy, but as he was then quitting Canton, he transferred its investigation to the Fooyuen. On the 7th the Quangchoo Foo went to the Second Bar, to examine the Chinese in custody, when the father immediately acknowledged that his son had died from the effect of disease, and unharmed by any blow from on board the Earl of Balcarras. The men engaged in this deception were brought up to Canton, and we have not as yet received intelligence of the punishment they are likely to undergo.

6. Events of this kind have not been uncommon amongst the American and country ships during the present season. The Chinese assault either the ships or their boats, and when they meet with return demand large sums of money for wounds, by working on their timidity to offend the recent Imperial Edict on the subject of the liability of foreigners to suffer death, even though the hazard of their own lives require their defence; the success their extortions have occasionally met with invite the return of new assaults.

7. That all ranks of Chinese are sensible of our situation in this respect, is too clearly evinced by the perpetrating of such dangerous impositions, by many in a very low class of life; and the reward that success in their demands sometimes affords is a sufficient inducement to attempt it, without any consideration as to the result occasioning consequences the most prejudicial to the commerce, and even to the lives of foreigners. It must be a matter of great satisfaction, that in this case the voluntary confession of the deceased's father, and the non-appearance of a serious wound, have placed insuperable impediments to hostile proceedings on the part of the officers of Government.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 31st January 1823.

Par. 3. WE have from time to time made inquiries on the subject of the punishment to be inflicted on those persons concerned in the attempt to extort money, under the pretence of murder, from the Honourable Company's ship Earl of Balcarras, and the present state of the case appears to be, that there is no defined law against the crime, and that the Fooyuen is awaiting the return of the Viceroy before proceeding to judgment.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 19th March 1825.

Par. 53. WE regret to inform your Honourable Court, that notwithstanding our earnest representations to the Hong Merchants of the evil consequences that must accrue, as well to themselves as to the Company, if means could not be found of severely punishing the persons here alluded to by way of example, the Merchants were unable or unwilling to compass this point.

54. The truth of our statement on the subject, we understand, was fully admitted, and the Merchants reported, that the Government was perfectly satisfied

II.
China Papers.

Redress of
Grievances, &c.

with the steps we took to exhibit the guilt of the offenders. The only punishment inflicted on this occasion was that of exposing one of the offenders in the streets with the cangue placed upon his neck; and the only reason assigned for the trifling nature of the punishment inflicted was, that the criminals were not considered guilty of a crime of any magnitude, as they had not absolutely received money from the persons whom they were endeavouring to injure and deceive.

(20.)—RESPECTING THE CONDUCT OF THE CHINESE CUSTOM-HOUSE
PEOPLE AT MACAO.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 16th November 1827.

Conduct of the
Custom House
People at Macao.

Par. 47. ON our Public Consultations under date the 7th and 12th of June, will be found an account of an outrage committed by the people belonging to the Macao Custom-house, at all times a most offensive establishment, upon a boat belonging to a member of this Factory, which, on our representing the affair to the Iso-tong, we were informed was redressed.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 18th November 1828.

Public Consulta-
tions, 9 July.

Par. 68. THE aggressions of the people attached to the Macao Custom-house upon the Praza Grande, have been long a subject of vexatious annoyance to passengers proceeding to and from India. On the occasion of the embarkation of Messrs. Marjoribanks, Clarke and Ravenshaw for Bombay in the commencement of this year, the acts of the Runners attached to this establishment were carried to an unusual pitch of annoyance, in which they were headed and encouraged by their principal.

69. The numerous discussions in which the Government was engaged at the period referred to, rendered it an unfavourable occasion for bringing the aggressions of the Macao Custom-house people to their notice. We therefore deferred it until the agitation produced by the several topics under their consideration had subsided, and laid the subject before their notice in the commencement of the month of July.

Public Consulta-
tions, 19 July.

70. In the first instance the Viceroy treated our representations with a coolness amounting to contempt, and even directed the Merchants to remodel our address, and render it more agreeable to his views of the question. We were however informed by the Merchants, that a Wei-yune or officer deputed by Government upon a special service, had been despatched to Macao to inquire into the affair. The progress of this officer's proceedings are detailed under date 24th July, upon our Public Consultations, but their result became more evident upon the publication of an Edict from the Viceroy, recorded under date 1st August, which reprehends the conduct of the Macao Custom-house people, and directs the apprehension of the offenders for examination.

Public Consulta-
tions, 4 August.

71. An unsatisfactory Edict was issued by the Hoppo about the same time, which, referring the question to old established custom, in fact, left us exposed to the same irregular and undefined extortions which formed the subject of our complaint.

Public Consulta-
tions, 5 August.

72. A second Proclamation of the Viceroy seemed to promise the most favourable results. This order entirely restricted the license of the Custom-house to strict search, and the charges of the Porters to the customary wages given by natives for the conveyance of goods. The contents of this Edict appeared the most clear and explicit that we had ever received in favour of the rights of foreigners; but we fear the result has proved that it can only be quoted as a confirmation, that although this Government may, when urged by reiterated complaints, feel themselves compelled to espouse the cause of foreigners ostensibly in their proclamations, an understanding still exists that aggressions, when not carried to a length which involves the party concerned in a serious charge of disturbing the public tranquillity, will be winked at by the superior officers, and that a system of extortion obtains a tacit license, wherever a situation under the Government which affords

affords the means of exercising it is purchased, and we believe this to be the case with all public offices.

73. For facts which support this observation, we beg to refer your Honourable Court to two cases which appear upon our Consultations under date the 10th September. In the former of these the crew of a boat belonging to a Free Trader lying in Macao Roads was attacked by the Runners of the Custom-house while carrying some fresh provisions down to the beach. A sum of money was demanded, and upon the refusal of the crew to comply, the Chinese proceeded to use force, from which the boat's crew, composed only of a few boys and a mate, were compelled to escape by the means which offered themselves. On the second occasion quoted, a lady landing from a country vessel was detained on board the boat which brought her on shore for upwards of two hours, the Custom-house people refusing her permission to land, or what amounts to the same thing, not allowing any boat to approach for the purpose of her disembarkation.

74. Although little advantage could be expected from fresh representations to the Government, with such glaring instances of violation of the orders so recently issued before our eyes, we considered it our duty to state the facts as they occurred to the Viceroy, which will at any rate relieve us from the charge of passing these aggressions unnoticed, should any unfortunate result ensue from the repeated misconduct of the Chinese attached to the Custom-house. We shall therefore continue to give the Government warning upon every fresh occasion of offence, and the blame attached to refusing to adopt the necessary measures for securing public tranquillity must rest with them.

75. The disposition of these people to give further annoyance has been shown in charges of smuggling, which have been preferred against the Commanders of our ships upon the occasion of landing the Company's packets and personal baggage of the gentlemen of the Factory who returned to China this season. These accusations have been contradicted by us, and the facts explained.

II.

China Papers.

Conduct of
the Custom House
People at Macao.

Public Consulta-
tions. 4 & 16 Sept.
1828.

EXTRACT LETTER in the Separate Department, from the Select Committee at Canton to the Court of Directors, dated 28th December 1830.

Par. 34. IT is with much satisfaction we inform your Honourable Court that we have had no reason during the last year to complain of the custom-house at Macao. The strong Edict of the Viceroy referred to in the margin, which we were careful to make as public as possible by every means in our power, seems to have had its effect in repressing the voracious exactions of those who farm that custom station from the Hoppo; but we have been given to understand that this effect has been aided by an annual present from the Consou, in lieu of the profits which have been abandoned.

(21.)—RESPECTING THE RIGHT OF THE SUPRACARGOES TO ADDRESS THE OFFICERS OF THE CANTON GOVERNMENT.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 17th November 1825.

Part of Par. 3. WE beg to attract the attention of your Honourable Court to two Edicts from the Viceroy and Hoppo, recorded in our Consultations under date the 1st and 20th October, which take a short review of the character of foreigners engaged in the commerce with China. At the present period, when so much has been said of the evils which result from the monopoly of the East India Company, it may at least be a source of satisfaction to those who regard it only as a national question, that the principles of equity and liberality on which your affairs have been conducted, have enabled your representatives to establish a character which has been distinguished by the Government of this country from that of other foreigners engaged in commercial transactions, and has even called forth a description of approving acknowledgment rarely and reluctantly bestowed on matters foreign to the native and internal concerns of the empire. It will be perceived by your Honourable Court that the right of addressing the officers of the Canton Government is by these proclamations declared to belong exclusively to ourselves, and this we must ever consider a privilege of the highest possible importance.

Right of Addressing
the Canton
Government.

II.

China Papers.

Redress of
Grievances, &c.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 16th November 1827.

Par. 44. WE have no cause to complain of the conduct of the present officers at the head of affairs. It will be observed, that redress was afforded by a notification from the Hoppo of an offensive nature when complained of. This officer had a relation high in the Imperial administration, who has lately been dismissed, and he himself will leave his present office in January next.

(22.)—RESPECTING THE USE OF, AND CHARGES FOR, BOATS BETWEEN
CANTON AND MACAO.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 17th November 1825.

Charges for Boats.

Consultations,
11 & 18 June, and
15 July 1825.

Par. 119. THE exorbitant charges and duties which have for many years been levied on chop boats passing between Canton and Macao, and the refusal of the Government to admit the legal employment by foreigners of boats of smaller dimensions, has long been a source of great expense and serious inconvenience. It will be seen on our records that a body of the British agents in Canton, accompanied by other foreigners, having ineffectually applied to the Merchants upon this subject, proceeded to the city with a petition to the Viceroy, the result of which was a guarantee on the part of the Merchants, that, with the exception of the hire of the boat, they were willing to take all other charges upon themselves. In a future proclamation from the Hoppo, the use of fast boats between Canton and Macao was declared to be legal; and an Edict from the Viceroy, in reply to an address presented to him by us upon the subject, distinctly prohibited the extortion of money under any pretences. To the Hong Merchants we owe the old system, which has existed for half a century; to the present favourable disposition of the Viceroy, who appears to have been solely governed by a principle of justice, we are indebted for its abolition, although confirmed by prescriptive usage and long continuance. It shall be our earnest endeavour to act upon the proclamation of the Viceroy, and resolutely to withstand, under its sanction, all attempts which may be made to re-establish the old system, which has now by authority of the Government been abolished.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 10th March 1826.

Par. 16. WE this day assembled the Hong Merchants for the purpose, amongst other subjects, of calling their attention to the high charges and duties to which foreigners were still subjected in the employment of chop boats, and requiring of them to furnish us with an accurate statement of their legal amount. They gave us every assurance of their assistance; and should the result of their inquiries exhibit a high rate of charges, it will then remain for our consideration to address the Government upon the subject; and as the present Viceroy of Canton has shown every disposition to discountenance undue extortion on the part of the inferior Mandarins, we should be led to expect a favourable issue to such an application.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 16th November 1827.

Par. 52. IN the case above noticed, the expenses taken from Europeans have been transferred to the Merchants and to the general trade in the result. Howqua having influence to persuade the Merchants to continue the illegal fees to the subordinate officers in preference to exciting their enmity.

II.

China Papers.

(23.)—RESPECTING AN ATTACK ON CAPTAIN WALKER IN CANTON.

Attack on Captain Walker.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 8th December 1826.

Par. 4. A VERY unprovoked attack having been made in the streets of Canton by two low Chinese upon Captain Walker, who received a very severe contusion on the head, we deemed it advisable, with a view at the same time to punish the aggressors and to prevent the recurrence of such acts, which are so liable to terminate in serious disturbances, to address the Viceroy on the subject. We took occasion also to mention, that several low spirit-shops in the neighbourhood of the Factories had become a very serious evil, as Chinese belonging to them were constantly on the watch for all sailors landing from boats, who were enticed into these shops, and that drunkenness and loss of health were too often the consequence. We are happy to have had redress upon both these subjects, by the punishment of the persons guilty of the assault upon Captain Walker, and by the retail spirit-shops being shut up by order of the Government.

(24.)—RESPECTING THE HOPPO CHARGING THE SUPRACARGOES WITH CONTRABAND PRACTICES.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 10th October 1827.

Par. 23. SHORTLY after the arrival of the first ships of this season, we applied for the usual permit for Mr. Millett to proceed to Canton, to commence the unloading of the Honourable Company's chartered ships Alfred and Broxbornebury, whose despatch we wished to effect in the commencement of this month. The necessary license was issued from the Hoppo's office for the object required; but an Edict accompanied it, which, while it censured the application for a single boat, and directed that foreigners should proceed in fleets to Canton to obviate the inconvenience resulting to the public offices from numerous applications for permits, proceeded further to inculcate the necessity of a strict surveillance upon the Custom-house officers between Canton and Macao, and to throw out most undeserved insinuations against the well known probity of the Honourable Company's servants.

Charges of Contraband Practices.

24. In consequence of these reflections cast by his Excellency upon the long-established character of the Honourable Company's Factory in this country, we considered it necessary to forward an address to him, dated 20th August, disclaiming the charge of contraband practices made upon us, and expostulating upon the general tenor of his Edict. We at the same time quoted those parts of his Excellency's predecessor's Edicts, which bore testimony to the good conduct of the Honourable Company's representatives in China.

25. This address was returned from the Hoppo's office with a second Edict, dated 28th August, which inculcated the necessity of rescinding the privilege which has been long granted and confirmed to us, of corresponding with this Government in the Chinese language. Howqua having undertaken to represent, in the name of the Hong, our claim to this mode of communication, established by Government Edicts in the year 1814, we did not consider it necessary to return any immediate answer to his Excellency's Edict.

26. The effect of Howqua's representations was seen in a third Edict from the Hoppo, dated the 31st August, couched in a conciliatory tone, and denying the intentional implication of the Company's servants in the insinuations against foreigners. Although this assertion is at variance with truth it is satisfactory to us to perceive that this officer is disposed to adopt a favourable line of conduct towards us, and we trust we shall experience more urbanity in our future transactions with his Excellency's officer than we were at first inclined to anticipate.

II.

China Papers.

Death of a Chinese
on board a Country
Ship.

(25.)—RESPECTING THE ACCIDENTAL DEATH OF A CHINESE ON BOARD
A COUNTRY SHIP.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 30th November 1827.

Par. 4. UPON the 26th instant Captain Charles Clarke, the Commander of the country ship Golconda, waited upon the Select Committee to inform them of the following unfortunate accident :

5. The Golconda, on the morning of the 26th instant, while dropping down Whampoa Reach, had fallen on board the American ship Caledonia; a hawser was carried out to the country ship Charles Forbes, for the purpose of clearing the vessels. The hawser upon being hove upon, parted, and struck a Chinese carpenter, who was at the time sitting on the forecastle. Captain Clarke, on being informed of the circumstance, instantly repaired to the place, but found that life was already extinct; the body was removed below, and the remaining Chinese workmen detained as evidences of the fact. Captain Clarke requested our advice and interference.

6. Kinqa, the Security-merchant of the Golconda, was requested to attend the Committee, and directed to despatch a confidential person without delay to Whampoa, for the purpose of inquiring into the affair, and taking immediate steps to prevent its progress. He proposed an application to the Mandarin at Whampoa, stated to be made at the suggestion of the Committee, for permission to the relations of the deceased to receive and bury the body, which arrangement appearing the most eligible mode of adjustment, and showing that we entertained no wish to conceal the fact, was approved by us, as well as by Howqua, who was present upon this occasion.

7. Kinqa called on the 28th instant to state, that the people attached to the Hoppo boat of the Golconda had reported the circumstance to the Puan-yu or District Magistrate; but on the arrival of Kinqa's cousin, who was despatched from Canton to negociate in this affair, the relations of the deceased had been induced by pecuniary persuasion to address a counter petition to the District Magistrate, requesting that the body might be returned to them; the nephew stating his conviction that the death was purely accidental.

8. Nothing further has transpired connected with this affair; but from the assurances of Kinqa, and the plain evidence in favour of the casual nature of the event, we trust that no further inconvenience need be anticipated from the final result, which will be communicated to your Honourable Court by the earliest opportunity.

20. Since writing the above paragraphs, Captain Clarke, the Commander of the country ship Golconda, called upon Mr. Plowden, and informed him that the Puan-yu, or District Magistrate, had yesterday visited the ship for the purpose of holding an inquest on the body of the deceased Chinese who accidentally was killed on board on the 26th instant; the relatives of the deceased were also in attendance, and having declared it to be their belief, that the deceased had died from the blow of the hawser in its violent recoil after parting in two, and not from any other cause; and, moreover, having declared they were quite satisfied in this point, they were required by the Mandarin to make an affidavit to this effect, and to swear to it in the usual form adopted on these occasions, by the imposition of a coloured impression of their hands on the statement; after which they were permitted to retire, and to carry away the body with them for interment.

21. Kinqa afterwards attended, and informed Mr. Plowden that the Puan-yu had immediately proceeded into the city to the Viceroy, after his return from Whampoa, in order to communicate his proceedings to that officer. Nothing further has transpired; but Kinqa's impression is, that the affair will terminate here without any trouble or difficulty.

22. It is with sincere pleasure we communicate to your Honourable Court this account of the apparent termination of this event; and we trust, by our next despatch, to be able to report its final adjustment.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 3d December 1827.

Par. 6. NOTHING further having transpired respecting the accident on board the Golconda at Whampoa, we have every reason to hope the affair has terminated with the inquest held on the body of the deceased on the 1st instant.

II.
China Papers.

Death of a Chinese
on board a Country
Ship.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 12th December 1827.

Par. 3. WE are happy to inform your Honourable Court, that the affair of the accidental death of a Chinese on board the country ship Golconda, communicated in our letter dated the 30th ultimo, was finally closed as stated in the concluding paragraphs of that letter. The easy adjustment of this accident may be considered a proof of the alteration which has taken place in the minds of the Chinese upon these subjects as regards foreigners, and the different light in which they are now disposed to view an accidental death from that which characterised them in our early intercourse with this country.

(26.)—RESPECTING THE INFRINGEMENT OF CERTAIN PRIVILEGES.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 18th Nov. 1828.

Par. 41. WE have experienced in the present season a disposition, on the part of the Chinese Local Government, to rescind privileges of an established character, and to treat representations which we have found it necessary to make to them, with such indifference, as compelled us at last to have recourse to a mode of drawing their attention to our statements, which we hope has proved effectual, and will prevent the repetition of similar conduct towards us in future. We shall have the honour to state the progress of these proceedings to your Honourable Court in the following paragraphs.

Infringement of
Privileges.

42. In the month of July, having had occasion to address the Government on the subject of the extortions practised by the people of the Macao Custom-house, (the result of which we shall have the honour to state in a subsequent part of this letter), we were much surprised to learn from the Merchants that the Viceroy had refused to receive our statement, and had returned it to them, with directions to open and alter it in a manner which better suited his own views.

Public Consulta-
tions, 19 July 1828.

43. Upon this occasion we presented a second statement to the Viceroy, disavowing any sentiments which might have been inserted in our former address by the Merchants, and informing him that our seal and signatures being always affixed to our communications, we begged that his Excellency would consider none as emanating from us which did not bear those marks of authenticity.

44. Shortly after the arrival of the Factory in Canton, a packet of letters to our address was seized by the Poon-qu-yune, a magistrate of the Whampoa District, upon the person of the Compradore of the Orwell, who was conveying the packet from that ship to the Company's Factory. This circumstance having been stated by us to the Viceroy, that officer, in reply, justified the conduct of the Poon-yune, and directed that in future all letters sent from our ships should be subjected to examination. This answer of the Viceroy, instead of being transmitted through the usual channel of the Merchants, was pasted up on the walls of our Factory by authority, a measure evidently calculated to depreciate the foreign character in the eyes of the Chinese.

Public Consulta-
tions, 4 Oct. 1828.

Public Consulta-
tions, 6 Oct. 1828.

Public Consulta-
tions, 10 Oct. 1828.

45. An Edict was issued about the same time, restricting the excursions of boats upon the river, which amusement being the sole opportunity we possess of enjoying fresh air and exercise, we felt by no means disposed to submit to without remonstrance. The authority also conferred, by this Proclamation, on the river police to give annoyance to foreign boats passing between Canton and Whampoa, was likely to lead to disturbances, which we felt it to be our duty to prevent by a proper representation of the facts.

Public Consulta-
tions, 7 Oct. 1828.

II.
China Papers.

Redress of
Grievances, &c.

Public Consulta-
tions, 14 Oct. 1828.

46. While these circumstances were under our consideration, it came to our knowledge that a Proclamation of a most grossly abusive nature had been issued by the Viceroy and Hoppo, calculated to degrade the foreign character to the lowest degree in the eyes of the natives. This Proclamation we have alluded to, but not recorded, on our Public Consultations under date the 14th October.

47. After a mature deliberation upon the grievances which we have detailed in the preceding paragraphs, we came to a determination that it was incumbent upon us to meet them by a strong remonstrance, calculated to put a stop to further aggression, experience having proved that nothing can be expected to be obtained from the Chinese by concession, which only becomes an inducement to attempt further invasion of privileges.

48. We therefore drew up an address to the Viceroy, in which we stated the absolute necessity of a communication with our ships by letter, which could be easiest effected by the employing Chinese boats; that if his Excellency refused his permission for that mode of conveyance we must have recourse to the use of ship-boats, the crews of which we were at all times most desirous to keep away from Canton, and to which we should most unwillingly resort.

49. We also represented to his Excellency that the recreation taken by foreigners upon the river could not be viewed merely as an amusement. The heat and confined air of our Factories is highly injurious to the health of Europeans, situated, as they are, in the suburbs of a populous city; no liberty beyond the precincts of the Factory being permitted by land, we possess no means of escaping from the inconveniences above specified, excepting by excursions in boats upon the river; and while that amusement is conducted within reasonable limits, it appears a harsh measure to restrict it.

50. In noticing the opprobrious proclamation of the Viceroy alluded to in a preceding paragraph, we confined ourselves to stating that such proclamations were ill adapted to conciliate the feelings of foreigners. We also took the opportunity of remarking, that his Excellency's predecessor had adopted a very different line of conduct towards foreigners, having interdicted, by an Edict, the practices of abuse and insult carried on by the Chinese on the river, as likely to irritate and lead to disturbance. We regretted to observe that the present Viceroy's acts were calculated to excite animosity.

51. Having combined these several subjects of complaint in one statement, we accompanied them by such observations as we considered appropriate to the subject, and delivered them to the Merchants for presentation to the Viceroy.

52. We were informed, the day after our representation was drawn up, that the Viceroy refused to receive it, adding, that no necessity existed for presenting petitions. Upon the receipt of this intelligence we were compelled to adopt the mode of bringing our grievances to his Excellency's notice, which has been resorted to formerly on similar occasions; viz. that of carrying our address to the city gates, and presenting it in person.

53. We therefore requested Captain Hamilton to select such people from the boats' crews in Canton as were considered men of respectable and orderly behaviour, and desired him to accompany Mr. Davis, who took charge of our letter to the city. A sufficient number of the officers of the Honourable Company's ships were also in attendance to control the conduct of the seamen. This party, having proceeded to one of the city gates, and given notice of the object of their mission to the guards stationed there, (for which purpose slips of paper, with an inscription in Chinese, signifying that they came to present an address in a quiet, orderly manner, were distributed amongst them), a Mandarin was shortly despatched to meet them, and receive their communication, upon which they returned to the Factories.

54. Your Honourable Court will observe, under date 18th October of our Public Consultations, the Viceroy's reply to the representation alluded to in the preceding paragraph. This Edict, we consider, may be viewed as favourable, although a defensive tone is assumed in it: the principal points of our representation are conceded. We had also the satisfaction to observe practical symptoms of a disposition to accommodate matters, in a deputation which immediately followed of the Nam-hoy-zune to our Factories, to give directions for the renewal of the works upon our landing place, which were forthwith resumed. We hope, therefore, that the Viceroy has been convinced by the proceeding we adopted, of the impolicy of giving unnecessary annoyance to foreigners, and that occasion will not again occur for resorting to an expedient to which we always most unwillingly have recourse.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 18th Nov. 1828.

Par. 37. WE shall always feel pleasure in noticing the conciliatory conduct of the officers of the Government. Having had reason lately to complain of very opposite treatment from them, accompanied by an evident disposition to vilify the foreign character and degrade it in Chinese estimation, we forwarded a remonstrance, couched in such firm but respectful language as, we trust, will produce a better feeling towards us in the Viceroy. The immediate result of our address, and the manner of its presentation was evinced, in the temperate reply from that officer, recorded under date 18th October last.

II.
China Papers.
Infringement of
Privileges.

(27.)—RESPECTING THE STATE OF THE FOREIGN TRADE WITH CANTON, AND THE ESTABLISHMENT OF ADDITIONAL HONG MERCHANTS.

Public Department, 8th October 1829, Paragraph 3 a' 17.
Ditto - - 15th — - - 1 a' 5.
Ditto - - 23d November - - - 3 a' 27.
Ditto - - 30th — - - 3 a' 13.
Ditto - - 14th December - - - 4 a' 12.
Ditto - - 29th — - - 3 a' 12.

Foreign Trade with
Canton.
New Hong.

For these paragraphs, see letters adverted to, presented to the Select Committee the 3d June 1830.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 28th January 1830.

Par. 3. WE stated in the 9th to the 12th paragraph of the despatch above referred to, our intention to make a final attempt to procure redress for the embarrassments of the trade, by application to the local authorities of Canton, in an appeal to the newly arrived Hoppo, or Commissioner of Customs. This resolution was carried into effect, and we beg to refer your Honourable Court to our Secret Consultations of 25th December 1829, for the address presented by us to that officer.

4. We regret to state, that the Hoppo's reply declared his determination to adhere to the decision formerly passed upon our representations by the Viceroy, and promised no improvement to the embarrassed situation of affairs. Secret Consultations, 6 Jan. 1830.

5. Having received what appeared at that time to be the final reply of the local authorities, without an appearance of concession on any point, it became a subject of the most weighty consideration, whether we should resume commercial intercourse, or whether, in accordance with the tenor of our professions, we should continue to abstain from such intercourse. A question which embraces the interest of the Honourable Company, and of a large body of the British mercantile community, could not be viewed without a deep sense of the responsibility incurred in forming our decision. We endeavoured to view the subject with the strictest impartiality of feeling, and hope we have selected that course which is best calculated to place this trade on a firm foundation. In deciding our choice at so important a crisis, we have felt it a duty not to limit our views to the object of loading the Honourable Company's ships for the present season, which would be dearly attained at the risk of incurring permanent and irremediable impediments to commerce. It has been our earnest endeavour to secure solid advantages to our honourable employers, which might prove the basis of prosperity to their affairs in this country for successive years.

6. We felt it incumbent upon us, as a preliminary step, to review the series of our correspondence with this Government, and have now the honour to state the inferences which we have drawn from it. Secret Consultations, 11 Jan. 1830.

Part of Par. 7. The disinclination evinced by the officers of Government to grant any new privileges to the foreign trade might naturally have been expected, where both their own private interests and their national prejudice against innovation were to be

Secret Consultations, 20 Nov. and 5 Dec.

overcome ; but the contempt shown to the orders of the Emperor for the establishment of new Hong, by the promulgation of Edicts by the local government, without any intention to act upon the professions contained in them, has been a subject of surprise, and what we certainly had not anticipated.

Par. 15. Our influence with the Chinese Government being purely of a commercial nature, has been hitherto supported by the apprehension of the withdrawal of the trade. This influence has been supported entirely by opinion, but has proved so strong as to preponderate in all differences of a serious nature. Whether the suspension of commercial intercourse has originated with the one party or the other, the risk and responsibility of losing a valuable trade has ultimately preponderated over all other considerations in the minds of the local authorities. Through the influence of this principle, skilfully directed, the interests of our honourable employers have been hitherto preserved, and an effectual resistance opposed to the encroaching spirit of a venal government.

16. A combination of circumstances has rendered the employment of this powerful weapon, the suspension of trade, necessary. We had hoped, from the tone in which the Government replied to our representations at the commencement of the discussion, that we should be able to report to your Honourable Court some favourable circumstances at an earlier period ; but notwithstanding our declaration of the impossibility of entering on commercial intercourse till the Hong was relieved from its embarrassed condition, and our reiterated representations to that effect, an apathetic indifference characterized the policy of the Government, and no impression seemed to be produced. If, after taking up such grounds, we had consented to recede, and trade upon the terms dictated by our opponents, no hope could have been entertained of resisting their encroachments for the future. Suspension of intercourse would hereafter be looked upon as a vain threat, and the only course left to us be implicit submission to the will of the victors. The Cohong system being put in force in its most obnoxious form, would sap the foundation of the Honourable Company's trade, while all resistance would be rendered hopeless. The opinion of the firmness and integrity of the representatives of the Honourable Company in this country, which has hitherto proved an effectual check to the inroads of avarice and oppression, would lose its influence. The Chinese Government would acquire the lamentable conviction, that this trade, being indispensable to foreigners, could be conducted according to the dictates of their own interests. They would proceed under this impression to additional acts of extortion, which the absence of the moral influence that has hitherto operated as a check, would reach such a point as to render the continuance of the trade impracticable, without recourse to measures of a desperate nature.

17. From this we were led to the reflection, that a serious loss of time, and heavy expense, had already been incurred in sustaining the discussion to the period when it became necessary to determine whether we should abandon or maintain our position. Was this to be a useless sacrifice, without the attainment of any corresponding recompense ? Could we hope, even in submitting to it, that the trade would be satisfactorily conducted under the system to which it would be reduced. Our experience of Chinese character forbade us to entertain such an expectation ; and we could only contemplate the certainty of being compelled to renew the struggle hereafter, and at no distant period, under increased difficulties and embarrassments.

18. We confidently trust, that an impartial view of both sides of this intricate question will lead your Honourable Court to the conviction which it produced in our minds. We came to the conclusion, that a perseverance in the course hitherto pursued offered, of two evils, the least to our choice, and we determined to abstain from trade till some favourable alteration in the terms upon which it was offered rendered it worthy of acceptance. The more important, the more valuable the interests at stake, the more do they require the protection of firmness, on which our hopes of their security for the future can alone be placed with confidence. We considered that we stood on high grounds on the present occasion, and that our grievances, when brought to the notice of the Court of Peking, could not fail to meet attention and receive redress. The resistance of the local government to the commands of their superiors, and the frauds practised upon foreigners, with the connivance of the Canton authorities, in such instances as those of the bankruptcy of Manhop, and the removal of property by the retired partner of the Hong of Chunqua, could not fail to be seriously viewed by a Government always jealous to preserve the integrity of its authority, and unwilling to permit claims to exist

against

against it on the part of foreigners. These, while they destroy all pretensions to the administration of impartial justice, compromise at the same time the dignity of the Empire.

19. Having given the subject the most deliberate attention, and we need hardly assure your Honourable Court, that it has caused the deepest anxiety in our minds, we came to the determination of preparing our ships to leave the port, being convinced that their presence encouraged the opinion that we had not seriously resolved to act upon the professions which we had held out to the Government, and that no hopes of an accommodation could be entertained till the apprehensions of the Chinese were excited for the withdrawal of the trade. At the same time, we took measures for the despatch of two of our ships to different parts of the coast, for the purpose of presenting memorials, addressed to the Emperor of China, upon the embarrassments of the British trade to Canton.

Part of Par. 20. Being resolved, however, to lose no chance of a favourable turn in affairs, which might avert the necessity of recourse to the extreme measure of the removal of our ships, we drew up a Memorial to the Emperor of China, stating in a general manner the grievances for which we solicited redress, and having enclosed one copy of it under a seal to the Viceroy, and one to the Hoppo, we forwarded them to Canton, in the charge of a gentleman of the Factory, attended by a party of Commanders, officers and seamen of our ships, with orders to deliver them at the gates of the city. This duty was performed on the 18th instant, and the addresses were received by an inferior officer of the Government. We shall have the honour to detail to your Honourable Court the result of this mission in a subsequent part of this despatch; and will only remark here, that it has been of a nature sufficiently satisfactory to induce us to postpone the adoption of the measures to which we have alluded in the preceding paragraph, though we cannot state at the present moment that the necessity of such a course has been removed.

Par. 30. On the 23d instant replies were received from the Viceroy and Hoppo to our addresses, enclosing memorials to be transmitted to the Emperor of China. The communication of the Hoppo is in unison with the former Edicts of that officer, as regards its general import; but it returns the memorial to the Emperor, and states as a reason for this proceeding, that the mode of presenting it was irregular.

31. The Viceroy has also returned the memorial to the Emperor, alleging the same reason for his refusal to transmit it to Court as has been given by the Hoppo. The tone, however, which pervades the Proclamation of the former officer is of the most conciliatory nature, and when put in comparison with the last communication received from him, in which any further attention to our representations was peremptorily refused, may, we hope, be assumed as proof that a considerable change has taken place in his sentiments.

32. We forbear to offer a decisive opinion upon a document, which must be judged rather by its general tenor than by the precise signification of its contents. It has, however, afforded us this consolatory reflection, that the door is again opened to negociation, and we have taken advantage of this circumstance in the manner which we think offers the best chance of bringing matters to a satisfactory termination, if the professions contained in his Excellency's Edict prove sincere.

33. The real substance of the Viceroy's Proclamation may be summed up as follows:

That an express has been despatched to the province in which the elder Chunqua now resides, to cause his immediate return.

That candidates have offered themselves for the situation of Hong Merchants.

That the creditors of Hong Merchants may meet together, make up their accounts, and claim payment. This we conceive to have reference to the debts of the Hong of Chunqua.

And, that the Emperor's orders have been received, sanctioning a modification and reduction of the present paid upon entering the port.

34. In noticing our request to be allowed to rent warehouses, the Viceroy has adhered to his former refusal to grant that point, but he has given the most positive assurances for the security of property lodged in the Hongs of the Chinese Merchants, who, he has most distinctly declared, are liable to the risk of fire, water, thieves, and every earthly calamity that can occur to goods confided to their charge. As regards the security of property, we are not aware that in any part of the world it exists upon more favourable terms than those, to the importer. And

II.

China Papers.

Foreign Trade with
Canton.

New Hongs.

Secret Consultations, 11 Jan. 1830.

No. 1 & 2, of Secret
Packet, per Bridge-
water.

Secret Consultations, 9 Dec. 1829.

II.
China Papers.
—
Redress of
Grievances, &c.

although the object of conducting commercial dealings independently of the medium of the Hongs is not positively gained by this arrangement, it seems probable that much may be effected by an inclination on the part of the Foreign and Chinese Merchant to consult mutual accommodation. We feel, therefore, that we must remain satisfied with the Viceroy's decision upon this point, and exclude it in subsequent negotiation from the list of demands.

35. The Edict to which we are referring concludes by general assurances of a desire to accommodate, and quotes the orders of the Emperor expressive of the same purpose, and an inclination to encourage the peaceable conduct of foreign commerce.

36. The circumstances of the change of tone adopted by the Government when an impression has been excited that our ships would leave the port, coupled with the disinclination evinced to receive our memorials to the Emperor, lead us to draw the inference that instructions have actually been transmitted from the Court of Peking to adjust the discussion upon fair and reasonable terms; and that the local government has been forced to the disclosure of this fact by our demonstration of recourse to extreme measures.

37. It is a remarkable point that the date referred to in the Viceroy's Edict, as that of the arrival of the express from Peking, should be the very day upon which the delivery of our memorials at the city gates took place. This circumstance would fairly warrant the conjecture that the Government has wished to make it appear that the alteration in their tone preceded, and was not the effect of that measure. A more distant date could not be named, for it might fairly be asked, why were the Imperial orders concealed? It had moreover been asserted by the Merchants in Canton, on the very day that the occurrence took place, that the despatch from Peking could not be expected in less than a fortnight. The cause and effect are too nearly allied by appearances to admit of much doubt respecting their real connection.

N^o 3, Secret Packet,
per Bridgewater.

38. Our reply to the Viceroy, to which we beg to draw your Honourable Court's attention, has been carefully drawn up with the object of demonstrating to his Excellency that while we have every wish to meet the conciliatory feelings exhibited in his proclamation, by a reciprocal desire of amicable adjustment, we are in no way disposed to swerve from the resolution which was communicated to the Government at the time when we presented our memorials to the Emperor; and that our resort to extreme measures is merely postponed, under the impression that his Excellency meditates a reasonable accommodation.

39. An appearance of anxiety has been evinced by the Viceroy to receive our answer, in the deputation of a Government Linguist to proceed in charge of his Excellency's communication to Macao, and await our reply, which will be made with as little delay as possible.

EXTRACT LETTER (Secret and Confidential) from the Select Committee at Canton to the Chairman of the Court of Directors, dated 31st Jan. 1830.

WE perceive, in the Viceroy's last answer to our address, in the peculiar way in which it was forwarded to us, and in the marked manner in which he voluntarily re-opens the negotiations which he had himself closed, by refusing to receive our addresses, the good effect that has been produced by our last measure of presenting our petition for the Emperor at the city gate. We believe now that the Government is convinced that we are in earnest; and we also believe that the Viceroy is disposed to grant such terms as we shall be able to accept. So strong is our conviction on this point, that were we contending with any other than this peculiar people, we believe an arrangement might take place very shortly.

We have every reason to hope we shall be enabled to restore the Hong to its original number of 12 or 13; and should our efforts prove successful, we shall consider the Company's trade with China rescued from a state of peril, the greatest perhaps it has ever been exposed to.

We have before observed, that we believe the Viceroy will grant such concessions as we can accept; but the greatest caution is necessary on our parts; too much anxiety evinced would infallibly tend to make him recede; the policy of the Government appears to be to grant nothing beyond what necessity obliges them to do, even in things most trivial.

We

We do not consider we are too sanguine in expressing our hope, that in three weeks the ships will be at Whampoa.

We have been informed, that at this moment respectable men are ready to be made Hong Merchants, but that the Viceroy and Hoppo, in defiance of their positive declarations to the contrary, still endeavour to extort an exorbitant fee, to the collective amount of 50,000 dollars for each Hong. We look to this difficulty being overcome, now that the Government are convinced of the necessity of the case.

II.
China Papers.
Foreign Trade with
Canton.
New Hongs.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 10th Feb. 1830.

Par. 2. WE have great satisfaction in communicating to your Honourable Court the intelligence that an accommodation has been effected, with reference to the discussion in which we have been engaged with the Chinese Government, and that the Honourable Company's ships received our orders to enter the river upon the 6th instant.

3. We shall have the honour to detail to your Honourable Court the particular circumstances of this arrangement at a future opportunity.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 23d February 1830.

Par. 2. WE have now the satisfaction to inform your Honourable Court, that in consequence of an arrangement that has been effected with the Government of Canton, the Honourable Company's ships received our orders to enter the river and commence the immediate discharge of their cargoes on the 6th instant. We shall have the honour to detail the circumstances which have given rise to this resolution.

3. Upon the 1st of this month the Hong Merchants arrived at Macao, but without any official deputation from the Government. Their ostensible motive for visiting this place was to take leave of Mr. Plowden, who had embarked for England the day preceding their arrival. They informed us, that an answer might be daily expected from the Viceroy to our last address; upon which, we declined to enter into any discussion with them respecting our future proceedings.

Secret Consultations, 25 Jan. 1830.

4. Upon the 5th instant, a Proclamation was received from the Viceroy through the Merchants, which will be found in our Secret Consultations under the same date.

No. 1, of this Packet.

5. The general tenor of this document is of the most conciliatory nature, as well as that previously received from his Excellency, and recorded upon the 25th ultimo; both lead to the conclusion that the Government are extremely desirous to preserve the tranquillity which has usually attended the conduct of the trade; and perhaps upon the present occasion have evinced a greater anxiety to restore it to its ordinary course than they have hitherto permitted themselves to disclose.

6. The Viceroy's Edict informs us that one new Hong has already been established, and that other persons have requested to be allowed to enter the Hong; that he not only is desirous of increasing the number of Merchants to its original strength, but will also, if opportunity offers, be glad to extend it even beyond that limit.

7. The progress actually made towards the completion of the original number of the Hong is certainly but small, and our knowledge of the Chinese character does not permit us to calculate with confidence upon the fulfilment of the promises of the Government hereafter. At the same time there are some arguments which support the assertion of the Viceroy, that it is impracticable to accomplish this object at the present moment. It has been stated by the Merchants, that the reluctance to engage in the foreign trade proceeds from want of confidence in the future prospect of beneficial returns to the speculator, that the embarrassments of the commerce discourage persons of property from coming forward, and that those who are now deterred by such reasons from presenting their names as candidates for admission into the Hong, may be expected, if our ships enter the port, and mercantile affairs are restored to the regular routine, to embrace with pleasure the favourable opportunity now offered to them of entering the trade upon moderate

II.
China Papers.

Redress of
Grievances, &c.

terms. Puankhequa, Goqua and Kiqua declared, that they were each acquainted with a person who contemplated the establishment of a Hong. There appears also to have existed a doubt whether the new Merchants would receive the assistance to be derived from a portion of the Company's business being allotted to them, upon their commencing their commercial career. We attach such importance to the attainment of new members to the Hong, that we shall give every encouragement in our power to enterprising in this line: but before we are acquainted with the character of the new Merchants, our transactions with them will necessarily be confined to the purchase of teas from them, and the sale of our imports for cash payments. An equitable discount will of course be allowed in the latter transaction for the consideration of receiving ready money. It is said, that the knowledge of our intentions in this respect will prove a great inducement to the candidates, especially when combined with the resumption of trade, and our personal appearance in Canton.

8. A Tea Merchant, named Pun-suy-lan, has been mentioned as very desirous to enter the Hong. This person's name has appeared on our records as the contractor to supply the Fokien Bohea received from the Hong of Chunqua. Though he has proved on some occasions a troublesome opponent in the tea trade, yet the energy displayed by him promises a useful addition to the body of Hong Merchants; the knowledge and connections of Pun-suy-lan would in all probability render his mercantile speculations successful; and we should feel highly gratified if he is induced to carry his project into execution.

9. The obstacle which has hitherto existed upon the part of the Government to obtaining competition in the foreign trade appears to have been overcome, as far as the principle extends, by the creation of one Hong. The manager of this is said to have been admitted upon the payment of fees to a moderate amount, and such as will by no means deter other persons from coming forward. The Viceroy has repeated the assurances formerly given of the payment of debts, and the punishment of Merchants who might be convicted of fraudulent practices; and we have expressed our willingness to rely upon the honour of the Government for the fulfilment of these promises. The point which seemed at this juncture principally to demand our attention, was, whether we were justified, under existing circumstances, in accepting the assurance of the Viceroy, that the Hong shall be restored to its original number.

10. In forming our determination upon this subject, we naturally attach great importance to what appeared to be the general impression produced on the minds of the Chinese by the suspension of our trade. The tone adopted by the Government towards the latter part of this discussion has evinced serious apprehensions of the ultimate removal of the trade; and it may be hoped that this impression will act as a powerful check upon them in future, to prevent the repeated connivance at frauds, such as characterized the bankruptcy of Manhop, and the removal of Chunqua, the latter person having been the cause of such serious inconvenience to the trade, we think will be either severely punished, or compelled to return to Canton. If it be true that the conduct of this person has been represented to Peking, it seems hardly possible that he can escape the heavy displeasure of that Court, who must see the necessity of putting a stop to such practices, if they wish for the continuance of the trade.

11. We are rather inclined to augur favourably respecting the augmentation of the Hong. We trust that the same effect has been produced in the minds of the Chinese by the continued suspension of the trade that might have resulted from its actual removal, and that the influence of this impression will prevail for some time in checking the encroachments of the Government. Upon a review of the circumstances, there appeared a probability of obtaining an augmentation of the Hong through the encouragement we might give to the new Merchants, while the ruin of two or three of the old Hong's seemed to be the inevitable consequence of continuing the suspension of commercial intercourse.

12. Considerations of expediency were strongly in favour of an immediate adjustment of differences; the advanced period of the season admitted of no further discussion, and we were called upon to decide between the removal of the Honourable Company's ships from the port, and the sending them to Whampoa without delay; the pressure of circumstances admitted of no middle course. It still remained in our power to load and despatch the fleet from China before the arrival of the season which would preclude the hope of their effecting a direct passage to the Straits; but any further postponement of the adoption of this measure would

have

have destroyed the expectation of success. The advances towards an accommodation made by the Government gave us a favourable and unexpected opportunity of accomplishing this desirable object upon honourable terms, and we considered that we should not be justified in neglecting to avail ourselves of it. The Viceroy had invited us in the most conciliatory language to resume the trade. He had given us the most positive assurances that no obstacle should be made to the completion of the original number of the Hong, and professed his wish even to extend it. The principle of opposition to the introduction of the Cohong system seemed to have been gained.

14. With reference to the considerations which have been above stated, we determined to order the Honourable Company's ships to enter the port, and commence discharging their cargoes; and we trust that this decision will receive your Honourable Court's approbation. The event must prove whether our decision has been judicious. It has been formed upon the hope that such an impression has been produced by the long suspension of our trade, as has convinced the Chinese of the necessity of making a serious attempt to restore its prosperity, and that this opinion will render the adoption of more extreme measures an alternative which may for the present be avoided. We have addressed the Viceroy in reply to that officer's last communication, stating the motives which had induced us to alter our determination of removing the Honourable Company's ships from the port, and that we have acted on a firm reliance upon the assurances which His Excellency has given, that the attainment of the important objects of the return of the elder Chunqua, the payment of the debts of that Hong, and the establishment of new Hong, shall receive every assistance which it is in the power of the Government to render.

15. Since writing the preceding paragraphs the President has had a personal interview with the Tea Merchant, Pun-suy-lan. This person has petitioned the Government to be allowed to establish a Hong for the foreign trade. The Viceroy has passed an application to the Hoppo, by whom a demand of 20,000 taels is said to be made as the price of admission. Pun-suy-lan stated his readiness to pay this sum if it met our approval, with the object of immediately entering into the privileges of a Hong Merchant, which must be very desirable to him as a proprietor of tea to a large extent; but he was dissuaded strongly from acceding to the demand, upon the principle that a precedent would be thereby established for the assessment of all subsequent petitioners. If the application of Pun-suy-lan proves unsuccessful, we shall consider it our duty to address the Viceroy on the subject, which we trust will accelerate the settlement of this question. We feel desirous to see this person established as a Hong Merchant, not only from the hope that the example may tend to encourage others to follow the same course, but from the character of the man himself, who is said to possess firmness and resolution, which we may find useful in opposing the influence of Howqua in the Cohong.

16. We shall probably be able, by a later despatch, to communicate to your Honourable Court more decisive intelligence upon the subject of the preceding paragraph, as well as to offer an opinion respecting the disposition of the officers of Government to fulfil the assurances under which we have recommenced our commercial transactions.

II.
China Papers.
Foreign Trade with
Canton.
New Hong.

No. 2, of this
Packet.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 2d March 1830.

Par. 2. IN the concluding paragraph of that despatch we informed your Honourable Court, that the Tea Merchant, Pun-suy-lan, had petitioned the Government for permission to establish a Hong, but that some demur was made, arising from the fees demanded for his admission, which might render it eventually necessary for us to address the Government upon the subject.

3. Pun-suy-lan subsequently informed us, that the obstacles to the establishment of his Hong were made in the Hoppo's department, and recommended our addressing the Viceroy, as a measure likely to bring the affair to a speedy termination.

4. We therefore presented a statement to that officer, expressing a hope that his Excellency would not permit the good intentions which appeared to influence him, for restoring the prosperity of the trade, to be thwarted in any department of the Government. We further added, that we had resumed our commercial transactions under his Excellency's assurance of promoting our views in the

Public Consultations, 25 Feb. 1830.

II.
China Papers.
—
Redress of
Grievances, &c.

creation of new Hong upon any favourable opportunity, and that we looked with confidence to see those promises fulfilled.

5. We have the satisfaction to inform your Honourable Court, that this representation was attended with the desired effect. The Hong of Pun-suy-lan was proclaimed on the 27th instant, only two days after the presentation of our address; and the day following another new Hong was declared to have received the permission of Government to conduct the foreign trade.

6. We shall now have the honour to communicate to your Honourable Court such information as has reached us respecting the circumstances and connexions of the three Hong newly established.

7. The Manager of the first Hong declared in the Viceroy's Edict, recorded upon our Secret Consultations under date the 5th ultimo, is one of several brothers, amongst whom a considerable property was divided upon the death of their father, but which left but a moderate sum as the share of each of them. One of the brothers is the manager of a silversmith's shop formerly conducted by the father, who traded also largely in sycee. The name of the new merchant is Yen-ke Tseang; the Hong's name is Hing Tae. To avoid confusion of names in future we shall adopt the name of the Hong to designate the individual who manages it. This mode of denomination appears the most correct, as it has reference to the firm, and can never be changed; the names of persons in China are constantly altered, according to the caprice of the individual, and this habit prevails to such a degree that Europeans experience the greatest difficulty in ascertaining the correct appellation of any native.

8. The second newly established firm, under the management of Pun-suy-lan, is called Chong Wo. Pun-suy-lan's correct name is Puan-wun-taou, in the Mandarin dialect, or Pun-mun-to in that of the province of Canton. This person has long been engaged in the tea trade, in which he amassed a property of considerable amount; he is a native of the province of Fokien. We understand that he has sustained a heavy loss in his dealings with the Hong of Chunqua. This is said to amount to 100,000 dollars, but he is still represented to be a man possessed of large property, and his character stands high amongst his countrymen. We view the accession of this person to the body of Hong Merchants as a most desirable addition to their number. If capital to a certain extent, managed by a man of knowledge in the tea trade, and acuteness of understanding, can thrive in the foreign commerce, it has now a fair prospect of success.

9. The third Merchant acknowledged by the Government is named Ma-too-leang, in the Mandarin dialect; the name of the Hong is Shun Tae. This person has been many years engaged in foreign trade, both in Canton and at Macao, and is well spoken of by Europeans who have dealt with him. He is himself possessed of some property, and is connected with a partner, who is spoken of as being in very independent circumstances. The partner was engaged in the opium trade, and banished for some offence to Elee, from whence he has returned several years, the punishment of exile having been remitted upon the payment of a fine. This man is said to have been the projector of the new Hong, and to possess the largest share of the capital invested in it, but in consequence of the circumstance above alluded to he could not appear ostensibly as the manager of the firm. We entertain hopes that this Hong may prove useful to the foreign trade.

10. It is extremely satisfactory to us to find that the Government has fulfilled its promises of the creation of new Hong, as the faith kept upon one point encourages the hope that it will be maintained in others. We hear there are still persons desirous of being made Merchants, and shall perhaps be able hereafter to report further accessions to the Hong.

11. It appears that Chong Wo Hong has been permitted to conduct trade without obtaining the security of the other Hong Merchants; the Hong will therefore be responsible for its own debts, and these, if incurred, can produce no injury to the remaining members. This is an innovation which we have constantly suggested to the Government during the late discussion, and which it appears they have now adopted spontaneously, although unwilling to appear to do it at our suggestion; we would gladly see every Merchant placed upon this independent footing, and hope it may continue to prevail in the creation of all the new firms. Although we believe that private traders would contend for the preservation of the old system, which enables them to entail a debt, by means of the necessities or imprudence of the indigent Merchants, under the security of the more wealthy, we shall always view the abolition of so unjust a regulation, as calculated by raising the independence

dence of the merchants to give vigour and energy to the trade, and consider it the first step towards improvement.

12. While this regulation prevails there can, to all appearances, be little difficulty in procuring additional members to the Hong. The impediments which must be expected from the old Merchants under the former system, are principally removed, and a prospect of something resembling free trade is open to us. The only existing obstacle would seem to be the disinclination to encourage competition, which must for some time continue to pervade the established Hong; but we trust that this may wear away with time, as our intercourse with the natives improves.

13. We are unable to give your Honourable Court any certain intelligence respecting the elder Chunqua's return to Canton. Numerous rumours are afloat, upon none of which dependence can be placed. In the meantime we have considered it advisable entirely to withdraw our commercial dealings with the Hong of Chunqua, with the view of marking our determination to give no encouragement to the acts of dishonesty which have characterized its management, as well as with reference to the utter inability of the Hong, in its present embarrassed condition, to conduct our trade. The continuation of our support would have answered no purpose beyond the liquidation of the debts of European creditors, and your Honourable Court have already expressed your dissatisfaction with that mode of conducting business, in reference to the bankrupt Hong preserved from insolvency through the assistance of the Honourable Company in the season 1813-14. Our aid in this instance would, in fact, have tended to perpetuate a system which we are desirous to abolish, and which we hope in time will become extinct. We have also considered it judicious to give every encouragement in our power to the new Hong, which the shares of our trade, vacated by the suspension of our dealings with Chunqua, enable us to offer. At the same time, if the former partner of that Hong should hereafter return and be willing to re-establish the firm, we shall be ready to resume our transactions with the Hong, though perhaps under a reduction of their original extent, till the credit of the establishment has been restored by a course of prudent and upright management.

II.

China Papers.

Foreign Trade with
Canton.

New Hong.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 30th March 1830.

Par. 45. WE shall endeavour, as far as it is practicable, to conform to the wishes of your Honourable Court, expressed in the paragraphs under reply; but we beg to remark, that instances will occur in which we may be compelled to depart from these instructions. As the Chinese Government avoid as much as possible direct communication with foreigners, they frequently enforce their measures through the medium of the Hong Merchants or other natives. Exactions and restrictions are thus heaped upon the foreign trade, through an indirect channel, and would daily increase, if we allowed their progress to pass unnoticed. We may here instance an occasion in which our prompt interference caused the immediate attainment of a very important point to the interests of the Honourable Company, although made in favour of persons with whom we are totally unconnected. We allude to our address to the Viceroy respecting the demands made by the Hoppo, on the application of the manager of Chong Wo Hong, to enter upon the foreign trade. The result of that remonstrance was most successful.

Public Consultations, 25 Feb. 1830.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Honourable Court of Directors, dated 18th September 1830.

Par. 6. WE have much satisfaction in announcing to your Honourable Court that two more Hong Merchants have lately been added to the four admitted into the Cohong last season.

7. We are at present without the necessary information regarding the character and capability of these men to offer an opinion as to their individual merits; but we greatly rejoice at the circumstance, and trust that one of the principal barriers formerly existing to the extension of the Cohong (we allude to the exorbitant fees on the creation of a new Merchant) is removed.

II.

China Papers.

Redress of
Grievances, &c.Public Consulta-
tion, 25 January.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 28th January 1831.

Par. 26. AN Address to the Governor, strongly recommending the creation of more Hong Merchants, as a measure mutually advantageous to both parties, has been drawn up, and will be found recorded on our Public Consultations, transmitted by the present despatch.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 11th February 1831.

Par. 5. YOUR Honourable Court has already been informed that we deemed it our duty to address the Governor of Canton, urging the advantages which must arise to English as well as Chinese interests by the election of more Hong Merchants, who were men of credit and character. We have received a most favourable reply from his Excellency, admitting the justice of our application for the creation of substantial Merchants, and expressing, in language more distinct than is generally characteristic of a Chinese Proclamation, that "the more" there were "the better." A copy of this document will accompany our present despatch. It will become our duty to remind his Excellency of the wisdom of his determination, should any unnecessarily protracted delays take place in the accomplishment of so desirable an object.

(28.)—RESPECTING THE TRADE IN OPIUM.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 21st Nov. 1821.

Opium Trade.

Secret Consulta-
tions, Nov. 11, 12
& 14.

Par. 34. ON our Secret Records, under the dates noticed in the margin, your Honourable Committee will perceive the measures so frequently threatened by the Chinese Government to check the Opium Trade at this port have been recently renewed.

35. If we may believe the statements of the Merchants, the intentions of the local government are to be regarded as more determined than they have ever formerly been; but as our communications with the Merchants have as yet been solely confined to a relation of their conferences with the officers of Government upon this subject, and as we have not been officially appealed to, we cannot help expressing our doubts as to the actual extent of the danger impending over the Opium Trade.

36. Your Honourable Committee will perceive, however, that Pinqua has been deprived of his Button, and that the Merchants have been more than usually solicitous with us, to interfere in recommending the individuals concerned in this traffic to withdraw their ships from the port.

37. It is no more than natural that men incurring the heavy responsibility of Hong Merchants, and acting in that capacity under a Government the most arbitrary and despotic perhaps in the universe, should feel the utmost solicitude at a moment when they are threatened with the heavy visitations of that Government, and we do most sincerely feel for their situations; but we do not conceive it would be either prudent or politic to take any part in this matter, unless it is especially required from us from Government, by a more sufficient communication than messages, and we have hitherto declined all interference.

38. We must beg to refer your Honourable Committee to our Secret Proceedings under the dates alluded to, for the particulars of the communications of the Hong Merchants on this important subject. The origin of the inquiry into the Opium transactions is variously stated, some asserting it to arise from the personal enmity of the Quongchow Foo to Pinqua, others to the more venal source of desiring to extort money.

39. But to whatever source it owes its rise, the situation of the Merchants has become exceedingly critical, accused on one side of former wilful neglect, they are threatened on the other with the severest punishments if they do not report the ships concerned in this illicit traffic to Government, and such is now become the weight of

of their responsibility, that they have declared to us they must lodge information against those ships unless they speedily quit the port.

40. They further have intimated to us that in future bonds will be required from the Company's ships, declaring that there is no Opium on board, as well as from every other vessel entering the port, and until such bond is given they will be obliged to decline securing the ship.

41. This question is by no means a novel one to your Honourable Committee; a reference to former proceedings will show that similar demands were made in 1817, and subsequently dropped, such may only be the intention at present, but appearances lead us to believe this demand may be persisted in, and as it is one of an extremely objectionable nature, and if complied with, calculated to establish a precedent of the worst description, we shall feel it our duty to proceed with the utmost caution in assenting to it.

45. Since writing the preceding paragraphs respecting Opium, we have seen the Viceroy's Edict to Peking on the subject of that commerce, and the Merchants have delivered to us a copy of the Viceroy's letter to them respecting it. From these documents it will be satisfactory to your Honourable Committee to observe that no imputation is cast upon the Honourable Company's ships for being concerned in this illicit traffic.

46. The measure of compelling the Opium ships to quit the port we conceive must be enforced, if the agents for them have any regard for the safety of the property at stake. The Hong Merchants have reported the names of these ships to Government, and the Viceroy has, in consequence, ordered one half of their regular import cargo to be confiscated, and has refused to allow any return cargo to be shipped, insisting even upon the re-landing of that already sent on board; and we hear that Government have further threatened to send down a force to Whampoa to seal the ships' hatches, and enforce their departure.

47. From all these circumstances your Honourable Committee will both perceive and be able to judge of the determination of the local government to effectually suppress this illicit commerce, and if they firmly pursue their present system, it cannot continue to be carried on as heretofore.

II
China Papers.
Opium Trade.

Secret Consultations, 15 & 19 Nov.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 11th March 1822.

Par. 16. IN our address to your Honourable Committee, per Herefordshire, of the 21st of November last, par. 34 and 41, we stated that the measures so frequently threatened by the Chinese Government for checking the Opium Trade at this port, had been recently renewed.

17. These measures have since been persisted in by the Viceroy of Canton, with such a degree of pertinacity, as to occasion the most serious interruption to this important branch of trade to China.

18. Among the regulations which the Viceroy is endeavouring to establish for preventing the introduction of Opium into China, that one is perhaps of most serious importance to the continuation of the traffic at Whampoa, which proposes that all foreign ships should be secured by the four Senior Merchants, who are the only opulent and respectable Hongs.

19. By this it is meant, that on the arrival of a ship, each of these four Merchants in rotation should give a bond to Government, conveying their responsibility that no Opium is imported in her; and for their more certain security, a counter-bond is required from the commanders or agents of ships before the Merchants give their pledge to Government, without which the ship is not permitted to trade.

20. This regulation is founded upon a plan submitted to Government by the Merchants themselves, which will be found in our Secret Records on the 20th November last. At the period it was recommended by the Merchants, they little imagined it would be productive of all the evils now to be apprehended in its exercise, and we believe they now sincerely lament the opportunity they have thus unwarily afforded Government of practising additional extortion and oppression in their several Hongs.

21. In the 45th par. of our letter to your Honourable Committee, per Herefordshire, we stated that the Merchants had intimated to us, that in future bonds would

II.
China Papers.

Redress of
Grievances, &c.

be required from the Honourable Company's ships, in common with every other ship, and that until granted they could not undertake to secure them.

22. Conformably with this intimation, we have now to inform your Honourable Committee that a bond has been demanded from the Commander of the Scaleby Castle, immediately on the arrival of that ship at Whampoa, and the same having hitherto been withheld, that ship, as well as the Vansittart, have not yet been permitted to discharge their cargoes.

23. Your Honourable Committee, in your letter to China of the 8th May 1818, have enjoined our conceding the point of giving bonds, if demanded by the Chinese Government rather than renew the discussion of 1814 upon this subject, and the spirit of these instructions furnished to us in that letter, according to our interpretation, generally recommend acquiescence in the wishes of this Government. We conceive, however, that these instructions never could have contemplated the pernicious tendency of the affidavits now demanded.

24. These affidavits require an extension of security beyond every reasonable limit; namely, that the parties subscribing them should affirm that not the smallest particle of opium is imported in the ship; and should it so happen that any is hereafter detected, they assent cheerfully to submit to the laws, or in other words, consent to confiscation of property, and expulsion from the port.

25. The cases of the Gunner of the Essex in 1819-20, and the more recent one of the Captain's Steward of the Atlas in the present season, are quite sufficient of themselves to show the impossibility of our being security against the introduction of Opium in our own ships, and the dangerous consequences that might ensue if we consented to subscribe to this affidavit.

26. By the securities now demanded, it will be evident to your Honourable Committee that a very important part of the Hong Merchants' responsibility is virtually transferred to foreigners; and if such an innovation is acceded to, a precedent is established for others which may finally be productive of the worst consequences to the European trade with China.

27. So long as the requisitions of Government were of a nature that did not involve in their consequences serious injury to the Honourable Company's interests, we should have considered it our duty to adhere implicitly to the Honourable Court's Orders of the 8th May 1818; but the present demands are of such an opposite tendency, that we feel it imperative upon us to resist them to the utmost of our ability.

28. We accordingly drew up a temperate remonstrance against such a serious innovation on our trade addressed to the Viceroy and Hoppo, representing to them our anxious wish that the Government will not persist in requiring affidavits from the ships of the Honourable Company, which he has already acquitted of participating in the Opium Trade of this port.

29. We are concerned to inform your Honourable Committee, that this address has not produced any relaxation in the demands of the Viceroy, who desired the Hong Merchants to inform us that he could make no distinction between the Company's ships and those of other foreigners; and that if we could not comply with the regulation respecting affidavits, the two ships now at Whampoa could not remain there.

30. Having only received this reply from the Viceroy yesterday, it is impossible for us, in the present state of this question, to conjecture how it may be terminated; but we hope to be able to convey to your Honourable Committee some more definitive information upon the subject by the ships composing the next despatch.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Secret Committee of the Court of Directors, dated 19th March 1822.

Par. 1. IN our last address, dated 11th instant, we stated to your Honourable Committee that his Excellency the Viceroy, in reply to the temperate remonstrance we had addressed to him on the subject of his demand for Opium Bonds from the Honourable Company's ships Scaleby Castle and Vansittart, had informed us generally that he could make no distinction between the Company's ships and those of other foreigners, and that the proposed affidavits would be requisite before those ships could be permitted to unload.

2. Some

2. Some of the observations contained in the reply of the Viceroy affording us an opportunity of again addressing him, we once more had recourse to this measure; and in a letter which we transmitted on the 15th instant, we endeavoured to convince his Excellency of the great unreasonableness of persisting in this requisition from the ships of the Honourable Company, who during their long intercourse with China had never evaded the regular duties of the port, and with respect to Opium, had not only invariably promulgated the Imperial Edicts prohibiting its importation, but also had imposed the strictest penalties on such persons, under their immediate control, who might be detected attempting its introduction.

3. We are now happy to inform your Honourable Committee that the Viceroy, since the receipt of this last communication, has been induced to reconsider and dispense with the requisition for Opium Bonds from the Scaleby Castle and Vansittart, and we are assured by the Merchants that after certain forms of office are complied with, these ships will be permitted to discharge their cargoes and receive their teas without further impediments.

II.
China Papers.
Opium Trade.

EXTRACT LETTER in the Public Department, from the Select Committee at Canton to the Court of Directors, dated 27th July 1823.

Par. 18. WE have the honour to inclose to your Honourable Court three Edicts received from the different officers of the Canton Government, on the subject of the ships remaining on the coast laden with Opium, and our reply thereto. We were desirous to avoid the slightest implication on the part of the Honourable Company, and at the same time not oppose unnecessary impediments to the trade. The arguments we have taken up, although specious, cannot be maintained should the Viceroy place any obstacles to our commercial transactions dependent upon the departure of the vessels in question.

Nos. 1 to 3.

19. In the margin we have noted the number and names of the British vessels, and we are in hopes the Government will continue for some time silent and inoffensive. In April last, however, the Viceroy resorted to the usual measure of exacting the responsibility of the trade by preventing the departure of the Pascoa (the only British vessel then at Whampoa) until the Opium vessels departed from their places of resort on the coast; and should he in the present season adopt a similar line of conduct in regard to the Honourable Company's ships, and our remonstrances prove of no effect, in obedience to the orders of your Honourable Court to that purport, we must require the departure of those vessels so long as they afford any impediment to the commercial proceedings of the Honourable Company.

British Ships :

Valetta - - - Bengal.
Eugenia - - - D°.
Merope - - - D°.
Samarang - Bombay.
Brig Jamesina - D°.

Foreign Brigs

1 American.
2 Spanish.
1 Portuguese.

EXTRACT LETTER in the Secret Department, from the Select Committee at Canton to the Court of Directors, dated 6th February 1824.

Par. 81. WE have at different periods entered upon our Public Consultations, the several Edicts that have been issued by the Canton Government for the expulsion of the Opium ships from the coast of China. The only instance in which they have lately acted up to their declaration, was in the month of May last, when a country ship at Whampoa was precluded from trading until the departure of the only British ship then engaged in that commerce from the coast.

82. Our representations to the local government at that period, and previously, of our inability to compel ships to depart from the coast that had not reported themselves, or even entered the port, was attended with the result that in the Edicts that were issued on the subject, the omission of our names was for some time noticed, until a recent address was received from the Hoppo, in which it was distinctly stated that the commerce of the Honourable Company would be considered implicated in any accidents that might arise in the prosecution of the traffic in Opium on board of ships bearing the English flag; and that the representatives of other nations would be held responsible in a similar manner for accidents occurring amongst the Opium ships bearing their respective flags.

83. We considered it a proper precautionary measure to address the Bengal Government with all the information we could collect upon the subject, and at the

II.
China Papers.

Redress of
Grievances, &c.

same time to inform them of the injunctions of your Honourable Court that we should on no account permit the Opium Trade to interfere with the regular process of our commercial transactions; but that in the event of such a circumstance arising, we should be necessitated to erect our influence and power to demand the departure of the ships thus employed, should such an object be made necessary previous to the removal of any obstacles the Chinese Government might oppose to the commerce of the Honourable Company.

84. We are, however, induced to hope that the distinction is now understood, or rather that it suits the views of the local government to impede the commerce of the country ships, when it is desired to act up to their Edicts on the subject, in preference to rendering the Honourable Company responsible in circumstances where they have neither immediate interest nor control.

Residence of
European Females.

CORRESPONDENCE relating to the Residence of European Females in the Company's Factory at Canton, and the Restriction against using Chinese Chair-bearers.

Public Department,	23d October 1830,	paragraphs 9 a' 18.
Ditto - ditto -	15th Nov. - -	— 57 a' 61.
Ditto - ditto -	15th Dec. - -	— 9 a' 13.
Ditto - ditto -	1st January 1831	— 9 & 10.
Ditto - ditto -	11th February -	— 6.

For these paragraphs, see the Letters adverted to, presented to the Select Committee the 12th July 1831, pp. 26-30 of this Appendix.

Death of
Mr. Mackenzie.

CORRESPONDENCE relating to the Death of Mr. Mackenzie.

Public Department, 23d October 1830, paragraphs 4 a' 8. 14. 15 & 18.

For these paragraphs, see the Letter adverted to, presented to the Select Committee the 12th July 1831, pp. 45, 46 of this Appendix.

I N D E X.

HEADS OF ANALYSIS IN THE INDEX.

I.—*Accounts and Papers*—Attached to the Report and Evidence, and analysed in the Index thereto subjoined.

II.—*China Papers* :—Analysed in this Index ; viz.

(A.)—*Alleged Breach of the Laws of China* ; 1830–31 :

see FEMALES, Residence of, at Canton - - - - - Index, p. 152
SEDAN CHAIRS, Use of, by Europeans - - - - - — 158

(B.)—*Death of Mr. Mackenzie at Canton* ; 1830 :

see MACKENZIE, Mr. - - - - - — 156

(C.)—*Armed Force for the Protection of the Company's Factory* ;
1830 :

see ARMED FORCE - - - - - Index, p. 143

(D.)—*Ships moving down the River ordered to return the Fire of
the Forts, &c., of the Chinese* ; 1830 :

see FIRE FROM THE CHINESE FORTS - - - - - Index, p. 154

(E.)—*Redress of Grievances, or the Acquisition or Assertion of
Privileges* :

(1.)—Debts due by the Bankrupt Merchants Gnewqua and Ponqua ;
1810—1812 :

see BANKRUPT MERCHANTS - - - - - Index, p. 144

(2.)—Heavy Burthens on Trade ; 1810—1811 :

see TRADE, Burthens on - - - - - — 160

(3.)—Company's Ships detained in consequence of a Chinese being killed
by an English Seaman ; 1810—1812 :

see DETENTION OF SHIPS BY CHINESE - - - - - Index, p. 150

(4.)—Company's Ships detained in consequence of the Hong Merchants
refusing to satisfy extortionate Demands of the Hoppo ; 1811

see EXTORTIONS OF THE HOPPO - - - - - Index, p. 151

(5.)—Trade delayed in consequence of the Viceroy directing Mr. Roberts,
one of the Select Committee, should leave Canton ; 1813—1814 :

see SUSPENSION OF TRADE, 1. - - - - - Index, p. 158

(E.)—*Redress of Grievances*—continued.

- (6.)—Attack and ill-treatment of First Lieutenant of His Majesty's Ship Indefatigable, while on shore at Canton, 1812 :
see INDEFATIGABLE - - - - - Index, p. 156
- (7.)—Embarrassed Circumstances of some of the Hong Merchants; 1813—1831 :
see HONG MERCHANTS - - - - - Index, p. 155
- (8.)—Attempt of the Chinese to establish a Cohong, 1814—1830 :
see COHONG - - - - - Index, p. 147
- (9.)—Embassy under Lord Amherst; 1816 :
see EMBASSY - - - - - 152
- (10.)—Combination of Tea Merchants in China, 1819—1820 :
see TEA MERCHANTS - - - - - 159
- (11.)—Frauds, &c. respecting Contract Teas, 1828 :
see TEA CONTRACTS - - - - - 159
- (12.)—Charges on the Foreign Trade; 1818 :
see FOREIGN TRADE, Charges on - - - - - 154
- (13.)—Discussion with the Government of Canton; 1814—15 :
see DISCUSSIONS - - - - - 151
- (14.)—Respecting the Company's ship General Hewitt; 1816 :
see GENERAL HEWITT - - - - - 154
- (15.)—Respecting His Majesty's ship Alceste; 1816 :
see ALCESTE - - - - - 143
- (16.)—Discussion with the Government of Canton; 1817—18 :
see DISCUSSIONS - - - - - 151
- (17.)—Discussion with the Government of Canton, 1820—21 ;—Chinese killed by an officer of the Company's ship London :
see DISCUSSIONS - - - - - Index, p. 152
- (18.)—Company's Trade stopped by the Canton Government, in consequence of some Chinese being killed by part of the Crew of His Majesty's ship Topaze ; 1822 :
see SUSPENSION OF TRADE, 2. - - - - - Index, p. 159
- (19.)—Attempt of some Chinese to extort Money ; 1823—1825 :
see EXTORTION - - - - - 152
- (20.)—Respecting the Conduct of the Chinese Custom-house people at Macao ; 1827—1830 :
see MACAO CUSTOM-HOUSE - - - - - Index, p. 156
- (21.)—Right of the Super-cargoes to address the Canton Government ; 1825—1827 :
see RIGHT OF ADDRESSING THE CANTON GOVERNMENT - Index, p. 158
- (22.)—Use of, and charges for, Boats between Macao and Canton ; 1825—1827 :
see CHARGES FOR BOATS - - - - - Index, p. 144
- (23.)—Respecting an Attack on Captain Walker ; 1821 :
see WALKER, Captain - - - - - 160

(E.)—*Redress of Grievances*—continued.

(24.)—Respecting the Hoppo charging the Super-cargoes with Contra-	
band Practices; 1827:	
see CONTRABAND PRACTICES	Index, p. 150
(25.)—Respecting the Accidental Death of a Chinese on board a Country	
Ship; 1827:	
see DEATH OF A CHINESE	Index, p. 150
(26.)—Respecting the Infringement of certain Privileges; 1828:	
see PRIVILEGES	Index, p. 157
(27.)—State of Foreign Trade with Canton, and the establishment of	
additional Hong Merchants; 1830—1831:	
see HONG MERCHANTS	Index, p. 155
(28.)—Respecting the Opium Trade; 1821—1824:	
see OPIUM TRADE	157

Conduct and Policy of the Chinese Government:

see CHINESE GOVERNMENT	Index, p. 144
------------------------	---------------

Conduct and Management of the Company's Trade at Canton:

see COMMITTEE	147
DIRECTORS	151

Chinese Law of Homicide:

see <i>Death of Chinese by Foreigners</i>	150
<i>Death of Foreigners by Chinese</i>	150
<i>Death of Foreigners by Foreigners</i>	150
<i>Mackenzie, Mr.</i>	156

Particular Customs and Prejudices of the Chinese:

see <i>Button</i>	p. 144	see <i>Females, Resident</i>	p. 152
<i>Cangue</i>	144	<i>Names of Persons</i>	157
<i>Chinese Language</i>	144	<i>Right of Addressing</i>	158
<i>City Gates</i>	147	<i>Sedan Chairs</i>	158
<i>Commerce</i>	147	<i>Signature of Attestation</i>	158

III.—*External and Internal Commerce*

IV.—*Opium and Salt Monopolies*

V.—*Legislative Councils*—Administration of
Justice—*New Code of Laws*

Are printed
separately,
with Indexes
to them.

I N D E X.

Where *p.* is prefixed to the Figures, reference is to the Paging generally ; where *p.* and *par.*, to the Page and Number of the Paragraph therein.

A.

ACCIDENTAL DEATH. See *Death*.

Addressing the Canton Government. See *City Gates*. *Right of Addressing*.

Advances made by the Company to the Hong, p. 62, par. 175-177—Interest, p. 62, par. 175.

Affidavit ; Attestation of, by making a coloured impression of the deponent's hand, p. 122, par. 20.

Ajeu, Linguist ; Seized by Chinese government for carrying a portrait of the Prince Regent to Peking, p. 84, par. 2—Justified on other grounds, p. 85, par. 9—Exertions made in his behalf, p. 87, par. 7-9—Oppressive conduct towards him, p. 89, par. 16-18—Severity relaxed, p. 89, par. 19—Banished, p. 89, par. 30 ; p. 90, par. 6—His only offence was his connection with the English, p. 89, par. 31—Suspected of being a Christian, and compelled to abjure, p. 90, par. 9.

ALCESTE, His Majesty's Ship ; (15.) Paper (E.), p. 97.

Arrival ; Mandarins go on board ; Captain Maxwell requests to enter the Bogue ; a reply from the Viceroy promised ; waits six days ; provisions become scarce ; watched by armed boats ; proceeds to Chumpee ; ordered to anchor, and fired at ; returned with blank as a salute ; shots fired from the fort, p. 97—Proceeds within the Bogue ; cannonade from the forts ; returns a broadside, which silenced them ; proceeds to Canton ; Chinese authorities pretend ignorance of orders for firing, p. 98—Imperial notification that the Alceste was specially allowed to enter the Bogue, p. 99, par. 2—Letter from Captain Maxwell to the Viceroy ; but the Chinese affect to consider it from the Committee, p. 99, par. 3—Answer returned to the President, implying obedience to the Viceroy's orders ; receiving of it refused by the Committee, p. 99, par. 4—Pretend that the officers of the forts acted without orders, p. 99, par. 5—Informed that a captain of His Majesty's ship could not receive a letter addressed to merchants, p. 100, par. 6—No opposition to the Lyra brig, *ib.*

Americans. Endeavour to embroil the Committee in disputes with the Chinese Government ; Hong merchant Pinqua interested in their prize ships, p. 82, par. 3—Discussions respecting the prize ship Arabella, p. 82, par. 5—Persons interested in their trade influence the conduct of government, p. 86, par. 5.

American Merchants, combine to reduce the appreciation of the tea market, p. 73, par. 10.

Amherst, Lord, See *Embassy*.

ARMED FORCE used for the Protection of the Factory at Canton ; Paper (C.) p. 47, 48.

A guard of 100 men placed in the Factory, p. 47—Orders for their conduct, p. 47—Thanks to Captain Innes, Captain Baylis, and the Commanders of the Company's ships, p. 48.

Armed Force. Threats of Viceroy to send soldiers to the Factory to expel female residents, p. 6—Committee's remarks, p. 6—Representation to the Viceroy on the subject, p. 11—Resistance by the Committee ridiculed by the Chinese, p. 12—The guns brought up to the Factory for its protection removed, on assurances of security by the Chinese Government, p. 16—Introduced into the Factory for its protection by Mr. Baynes, in discharge of his duty, p. 22 ; p. 27, par. 16.—See *Females Resident at Canton*.

Astell, Mr. His using a sedan-chair made the occasion of issuing a prohibition against, p. 2, 5—Although of rank in England, considered by Chinese as only a merchant at Canton, p. 10.

Attendants, Native. Not permitted, by edict of Government, to be about European Factories, p. 83, par. 8—As more Europeans must be employed, would tend to riots, p. 83, par. 9, 10—If attended to, would prevent the course of business, p. 83, par. 11, 12—An old question revived, p. 88, par. 12—Mitigated, p. 88, par. 13—Ill-treated by the Government to annoy the Company's trade, p. 91, par. 2—Threatened to be seized, p. 95, p. 9.

Justin, Captain. Some men belonging to his ship accused of causing the death of a Chinese, but without any reason, p. 52, par. 3—No proof produced, p. 52, par. 5—His conduct commended, p. 53, par. 11—Engages to prosecute the investigation, p. 53, par. 2.

B.

BANKRUPT MERCHANTS, GNEWQUA AND PONQUA; (1.) Paper (E.) p. 50, 51.

Liquidation of debts prevented by the Viceroy, p. 50, par. 13—Prejudice to the tea-trade, p. 50, par. 15—Unreasonable terms of settlement offered by the Chinese, p. 50, par. 3—Objected to, p. 50, par. 90—Accounts adjusted, p. 51, par. 230.

Bannerman, Mr.; His services in delivering an address at the City Gates of Canton; advantage from his knowledge of the language, p. 93, par. 12.

Baylis, Captain; His conduct in preparing the defence of the Factory at Canton approved, p. 48.

Basel, Mr. Van, Netherlands' Consul; Investigates the circumstances attending Mr. Mackenzie's death, p. 31, 33.

Baynes, Mr., President of the Factory at Canton. Discussion with him on prohibition of European females residing at Canton, p. 4 to 20—Accused by the Chinese Government of falsely filling the Chair; and of causing females to reside at the Factory, p. 20-23—Of improperly arming the Factory, *ib.*—Properly succeeded Mr. Plowden, p. 21—Armed the Factory in proper exercise of his duty, p. 22—Mrs. Baynes invited to reside at Canton by Howqua, p. 27, par. 12—Threatened with punishment by the Chinese authorities, p. 21—Abused by them, and accused of misconduct, p. 25.—See *Females Resident at Canton*.

Boats passing the Bogue; License required for employing, may become an excuse for extortion, p. 88, par. 14.

Boats. See *Charges for Boats between Canton and Macao*.

Bonds required from the ships, on security against illicit trade in opium, p. 135, par. 40—Would be productive of serious evil if enforced towards the Company's ships, p. 136, par. 23-26—Relinquished, p. 137, par. 3.

Bovet, Mr.; His conduct in the affair of Mr. Mackenzie, p. 27, par. 14; p. 31, 33, 40; p. 45, par. 5.

Business of the Company. Its allotment between the Hong, p. 60, par. 11, 12; p. 65, par. 5—Complaint of its inequality, p. 69, par. 5.

Button; A mark of the Hong privilege, p. 134, par. 36.

C.

Cameron, Captain; p. 116, par. 3; p. 117, par. 4.

Cangue, the, placed on the neck, a slight punishment at Canton, p. 117, par. 54.

Chair-bearer. See *Sedan-Chairs*.

CHARGES FOR BOATS between Canton and Macao; (22.) Paper (E.) p. 120.

Abuses favoured by the Hong merchants remedied by the Viceroy, p. 120, par. 119—The Hong, required to state the legal demands, p. 120, par. 16—But still encourage illegal fees, p. 120, par. 52.

China, Laws of. Alleged breach of, by the Residence of Females at Canton, p. 1 to 30—By the use of sedan chairs, p. 2 to 30—See *Females Resident at Canton*. *Sedan-Chairs*.

Will not allow plea of self-defence in case of death of natives by foreigners, p. 109, par. 9; p. 110, par. 3; p. 112, par. 4; p. 113, par. 6, 10.—See *Death of Natives by Foreigners*.

Chinese Characters and Language. Addresses written in, to the Government, refused to be received, p. 83, par. 14; p. 87, par. 6—Admitted, p. 88, par. 11—Misunderstanding in consequence of the wrong use of a character, p. 91, par. 5—Evils if dependent on Chinese translations, p. 96, par. 5—Necessity of a perfect knowledge of the Chinese language, p. 97, par. 2—The privilege of communicating in, with the Government, threatened to be withdrawn, p. 121, par. 25.—See *Right of Addressing the Canton Government*.

CHINESE GOVERNMENT. Prohibit the Residence of Females at Canton, p. 1. to 30—Forbid the use of sedan chairs, p. 2 to 30—Demand three Parsees criminally accused, p. 6—Threatens the introduction of an armed force into the Factory, p. 6—Justifies the practice

Chinese Government—continued.

practice of answering addresses by posting them on the walls of the Factory, p. 9—Promises not to molest the Factory, p. 12—Ridicules resistance to the armed force they threaten to send, p. 12—Gives relief to a shipwrecked vessel, p. 13—Threatens to stop the trade, p. 13—Gives assurances of security to the Factory, since they have become penitent, p. 15—Orders the guns to be removed from the Factory, p. 15, 16—Laws complained of made out of kindness to foreigners; professes indifference to commerce; hints at conciliation, p. 17, 18—Defends the practice of posting up answers against the walls, p. 16, 17—Artful representations made to the Government by their officers; plausible without truth, p. 17—Plausible colouring given to the threats of sending an armed force to the Factory, p. 18—Forbids the residence of Mr. Whiteman's and Mr. Thornhill's wives at Canton, p. 19, 20—Asserts that Mr. Baynes falsely filled the President's chair, p. 20—And armed the Factory from being frightened, p. 20—Its forbearance in not inflicting awful punishments as for rebellion, p. 20—In not punishing all for the offence of an individual, Baynes, p. 23—Threatens to detain Mr. Baynes to be punished for his crimes, p. 21—Injoins the Committee to prevent merchants from bringing females to Canton, p. 23—Leaves a discretionary power to the officers of Government in enforcing the prohibitions of female residence, and using chairs, but with good management, and without loss of dignity, p. 24—Its disregard for truth in the statements of public documents, p. 24—Pretends an excuse for the arming the Factory, p. 24—Asserts that, on repentance, Baynes disarmed the Factory and sent the women away, p. 25—Abuses Mr. Baynes, and asserts his removal for mismanagement, p. 25—Insists on obedience to prohibitions, on peril of being expelled, p. 25, 26—Malignant temper shown by, p. 26, par. 9—Influenced by the fear of suspension of trade, p. 27, par. 18—Promises not to molest resident English ladies, p. 28, par. 58, 61—Their conduct in that business an experiment how far the Company will yield, p. 29, par. 10, 11—Its conciliatory disposition induced by the rebellion in Tartary, p. 29, par. 13—Unfavourable proceedings instigated by suggestions of the Hong, from jealous feelings, p. 29, par. 9—Did not consider the question of importance, p. 29, par. 9; p. 30, par. 10.—See *Armed Force. Females Resident at Canton. Sedan-Chairs.*

Directs the Hong merchants to make inquiry about the death of Mr. Mackenzie, p. 34-37—Claims jurisdiction of the affair, p. 35, 41-44—States instances of its exercise, p. 35, 36, 41-44—Officers of the Government take corrupt advantage of such disturbances, p. 38—Executes a man given up by the French Consul, without trial, or allowance for accident; evils might more frequently arise, but money exacted for connivance, p. 39—Proposal to have accused tried by the English, under their superintendence, p. 45—Change in the mode of designating the President, p. 44—Demands for giving up the accused frequently repeated, but the usual routine of business not affected, p. 46, par. 8.—See *Mackenzie.*

Interference to prevent the liquidation of Gnewqua's and Ponqua's debts, p. 50, par. 13.—See *Bankrupt Merchants.*

Slights the representations made by the Committee as to the burthens on trade, p. 51, par. 188; p. 51, par. 91; p. 52, par. 121, 122.—See *Trade, Burthens on.*

Detention of ships in consequence of a Chinese being killed by an English seaman, p. 52, par. 1—Allows the ships to sail on promise to prosecute the inquiry, p. 53, par. 2—Demand for delivering up the man resumed in the following year, p. 54, par. 298, 299.—See *Detention of Ships.*

Orders Mr. Roberts to quit Canton, p. 58, par. 5—On suspension of trade by the Committee, retracted, p. 58, par. 8; p. 59, par. 138.—See *Suspension of Trade.*

Readily redresses a complaint of ill-treatment of the First Lieutenant of His Majesty's ship *Indefatigable*, p. 60, par. 299.—See *Indefatigable.*

Conduct in respect to the embarrassed Hongs, p. 61, par. 172—Does not protect trade, p. 64, par. 16—Inclined to remove the Junior Hongs in debt, p. 64, par. 38—Unfavourable disposition towards them, p. 66, par. 12, 13—Becomes more favourable, p. 66, par. 25, 7; p. 67, par. 147, 148, 11.—See *Hong Merchants.*

Establishment of a Cohong favoured by the Government, p. 69, par. 2, 3, 7—Superior officers open to imposition from their ignorance of foreign trade, p. 70, par. 9—Feels the evils of suspension of trade, p. 70, par. 13—No other way of influencing its conduct, p. 70, par. 14—Object in promoting the Cohong system, p. 73, par. 7—Policy to destroy competition, p. 73, par. 11.—See *Cohong.*

Local government of Canton object to Sir Geo. Staunton accompanying Lord Amherst's embassy, p. 75, par. 5—Supposed reasons, p. 76, par. 7.—See *Embassy.*

Denounces punishment of combinations by tea-merchants, p. 79, par. 6.—See *Tea Merchants.*

Issues an edict for punishing frauds in tea contracts, p. 81, par. 57.—See *Tea Contracts.*

Demand of a gift on the Emperor attaining his 60th year, p. 81, par. 16-20.—See *Foreign Trade.*

Conduct respecting His Majesty's ships at Chumpee, p. 82, par. 1, 2—Respecting His Majesty's ship *Doris* taking possession of an American prize, p. 82, par. 6, 7—Prohibits the employment of natives at the Factory, p. 83, par. 8-10—Mitigates its severity, p. 88, par. 13—Refuses to receive addresses in Chinese characters, p. 83, par. 14; p. 87, par. 6—Admitted, p. 88, par. 11—Accedes to adjustment of differences after suspension of trade, p. 84, par. 5, 6—Unjust conduct towards Ajeu, a linguist, p. 84, par. 2; p. 85, par. 9; p. 89, par. 16-18, 30, 31; p. 90, par. 6, 9—

Chinese Government—continued.

Breaks off a discussion with Sir Geo. Staunton for adjusting differences, p. 85, par. 10—Afterwards renews them, and accedes to terms, p. 85, par. 12—Conduct influenced by persons interested in American prizes, p. 86, par. 5—Speciousness in their manner of discussing complaints, p. 87, par. 8—Imputes treasonable conduct to the Committee, p. 87, par. 9—Justice of tribunals not to be relied on, p. 89, par. 16—Nor on the veracity of their officers, p. 89, par. 31—Venality of courts of justice, p. 90, par. 7—Inimical feelings of the officers of Government, p. 90, par. 10.—See *Discussions with Canton Government* in 1814-15.

Seizure and ill-usage of a compradore, p. 91, par. 1; p. 93, par. 13, 14; p. 94, par. 8—Detains the ship General Hewitt, conveying presents connected with Lord Amherst's embassy, p. 91, par. 3—Refuses to receive addresses of explanation, p. 92, par. 6, 9—Allowed to load, if room is kept for the returned presents, p. 94, par. 22; p. 95, par. 10—Threatens to seize persons in Committee's employ, p. 95, par. 9.—See *General Hewitt Ship*.

Hostile proceedings towards His Majesty's ship *Alceste*, p. 97, par. 23—Pretends ignorance of proceedings, p. 98; p. 99, par. 5—Permits the ship to enter the Bogue as a special occasion, p. 99, par. 2—Method most effectual in negotiations with, is, first to act, and discuss afterwards, p. 98—Speciousness of its conduct, p. 99, par. 3, 4.—See *Alceste*.

Punishes the robbery and murder committed on the property and crew of the *Wabash* American ship, p. 100, par. 62.—See *Discussions with Canton Government*, 1817-18.

Demands the person who killed a Chinese, p. 102, par. 9—Is deceived with a subterfuge of substituting a dead body for him, p. 103, par. 15-23—Suppresses an attempt to revive the subject, p. 103, par. 6, 7.—See *Discussions with the Canton Government*, 1820-21.

Proceedings respecting the affray with the inhabitants of Lintin and the crew of His Majesty's ship *Topaze*, p. 104—Holds the Committee answerable for the King's ships, p. 104, par. 3, 7; p. 112, par. 1-3; p. 113, par. 11—Suspends the trade, p. 104, par. 6—Demands the delivery up of the accused men, p. 106, par. 2; p. 106, par. 2, 3—Will not receive Captain Richardson's explanations, p. 106, par. 3—Alarmed by the determination of the Factory to remove from Canton, p. 108, par. 14—Through the Hong's, suggest expedients, p. 108, par. 16; p. 116, par. 6—Disallows plea of self-defence in case of death of Chinese by foreigners, p. 109, par. 9; p. 110, par. 3; p. 112, par. 1-5—Invites the Factory to resume trade, p. 110, par. 12; p. 115, par. 8—Renews the demand for delivering up the men in the following year, p. 111, par. 70-73; p. 114, par. 2.—See *Suspension of Trade by the Chinese*, 2.

Conduct of, in the attempt of Chinese to extort money on pretence of a man's death being caused by the crew of the *Balcarras*; offenders but triflingly punished, p. 117, par. 3, 53, 54.—See *Extortion*.

Neglects complaint of abuses at the Macao custom-house, p. 118, par. 70—Ostensibly remove the abuses, but tacitly allow them, p. 118, par. 72—Represses them, p. 119, par. 34.—See *Macao Custom-house*.

Formally recognizes the exclusive right of the Committee to address the Canton government, p. 119, par. 3.—See *Right of Addressing the Canton Government*.

Remedies abuses in the charges for boats between Canton and Macao, p. 120, par. 119.—See *Charges for Boats*.

Punished persons who assaulted Capt. Walker, and suppress disorderly spirit-shops on the complaint by the Committee, p. 121, par. 4.—See *Walker, Captain*.

Unjustly imputes contraband practices to the Committee, p. 121, par. 23—Refuses to receive remonstrances, and threatens to rescind the privilege of communicating in the Chinese language, p. 121, par. 25—Retracts insinuations, p. 121, par. 26.—See *Contraband Practices*.

Inquires into the circumstances of the accidental death of a Chinese on board the *Golconda*, p. 122, par. 7-20—Adjusts the affair without difficulty, p. 122, par. 21.—See *Death of a Chinese*.

Threatens to rescind certain privileges, p. 123, par. 41—Disregards representations, and posts its replies on the Factory walls, p. 123, par. 44—Forbids Europeans to make excursions for pleasure on the river, p. 123, par. 45—Issues abusive proclamations, p. 124, par. 46—Refuses to receive addresses, p. 124, par. 52—Becomes conciliatory, on addresses being presented at the City Gates, p. 124, par. 52-54; p. 125, par. 37.—See *Privileges, Infringement of*.

Makes unfavourable reply to applications respecting the state of foreign trade, and the establishment of additional Hong Merchants, p. 125, par. 3, 4—Memorial to the Emperor returned, p. 127, par. 20, 30, 31—Viceroy gives a conciliatory answer, p. 127, par. 32—Influenced by presenting address at the City Gates, p. 128, par. last 3—Demands exorbitant fees for the appointment of new Hong's, p. 129, par. first 2—Accedes to an accommodation, p. 129, par. 2, 3—New Hong added, p. 129, par. 6—Accommodates the demand for fees, p. 131, par. 15—Appoints more new Hong's, p. 132, par. 5; p. 133, par. 6—Gives a favourable reception to an address for adding more, and acknowledge the advantage of so doing, p. 134, par. 26, 5.—See *Hong Merchants and State of Foreign Trade*.

Takes measures for suppressing the illicit trade in Opium, p. 134, par. 38, 39; p. 135, par. 47—Requires the Company's ships to give bonds, p. 135, par. 40, 21; p. 136, par.

Chinese Government—continued.

par. 22—Disavows all imputations on the Company's ships, p. 135, par. 45—But will make no distinction between them and other ships, p. 136, par. 1—On reconsideration exempts them, p. 137, par. 2, 3—Makes the Company's trade responsible for private ships, p. 137, par. 81, 82.—See *Opium Trade*.

Influence with, purely commercial, p. 126, par. 15, 16—Affected contempt of commerce, p. 17—Circumstances stated which show the contrary, p. 70, par. 13, 14; p. 88, par. 15; p. 130, par. 10.

Chong-wo; The name of Pun-suy-lan's Hong, p. 132, par. 8.

Christians. Insurrections attributed to them, p. 90, par. 8—Abjuration of Christianity, by persons suspected of, by trampling on the cross, p. 90, par. 9.

Chunqua, a bankrupt Hong. Desires to be readmitted to a share in the Company's business, p. 60, par. 10—His conduct, p. 60, par. 11—Continued by the Committee in a share of business from policy, p. 65, par. 8—But no reliance can be placed in him, p. 65, par. 9—Arrangements on behalf of his creditors, p. 68, par. 21, 22, 23—Endeavours to establish a Cohong, p. 69, par. 5—Intrigues with the officers of Government, p. 70, par. 9; p. 71, par. 7—Instigates false charges against Sir George Staunton, p. 70, par. 11—Personally attacks Sir George Staunton, p. 72, par. 9—His endeavours to ruin the Junior Hong counteracted by Sir George Staunton, p. 72, par. 8, 9—Checked by Puan-khequa, p. 72, par. 10, 11—Opposed by Pinqua, p. 73, par. 42—The Cohong system would have increased his influence, p. 69, par. 7—Has caused much serious inconvenience to trade, p. 130, par. 10—All commercial dealings withdrawn from his Hong, p. 133, par. 13.—See *Cohong*. *Hong Merchants*.

City Gates of Canton. Address to the Viceroy delivered at, p. 4—Remonstrance against extortionate demands of the Hoppo so delivered, p. 57, par. 9—Sensation produced, p. 57, par. 11—Several addresses so delivered in 1814, p. 84, par. 3—Address respecting the ship General Hewitt so delivered, p. 93, par. 11—Representation of abuses in charges for boats presented, p. 120, par. 119—Remonstrance on several grievances, after being unattended to by the local officers, presented at the City Gates, and procure redress, p. 124, par. 52-54; p. 125, par. 37; p. 127, par. 20—Good effects produced from presenting address on the state of Foreign Trade and additional Hong, p. 128, par. last 3.

Clavel, Captain of His Majesty's ship Orlando. Assists in forwarding the instructions relative to Lord Amherst's Embassy, p. 74, par. 6—Accompanied Sir T. Metcalfe to Canton with Lord Buckinghamshire's letter to the Viceroy, p. 75, par. 2—Inconvenience, from his name being included in a bond, to stay for an answer, p. 75, par. 4.

Clock-work and Mechanism, called by the Chinese Sing-songs, p. 56, par. 290.

COHONG, attempted to be established by the Chinese; (8.) Paper (E.) p. 68.

Endeavours to counteract it, p. 68, par. 275, 276—Professed object, p. 68, par. 276, 277, 23—Affix prices on goods, p. 68, par. 24—Would be detrimental to the Company's trade, p. 68, par. 278—False statements made to procure the Imperial sanction, p. 69, par. 2-6—Complaint of the unequal distribution of the Company's business, p. 69, par. 5—By whom the Cohong contrived, p. 69, par. 5, 6—Circumstances aiding the plan, p. 69, par. 7, 8—Ignorance of business dispose the Chinese officers to be biased by intrigues, p. 70, par. 9—Ruin of the Junior Merchants detrimental to trade, p. 70, par. 10-12—Influence and intrigues of Chunqua, p. 70, par. 11; p. 71, par. 7—Evil of suspension of trade felt by Chinese government, p. 70, par. 13—Only way of influencing its conduct, p. 70, par. 14—Difficulty of judging of the Committee's conduct, p. 71, par. 15—Trade liable to interruptions by caprice of the Viceroy, p. 71, par. 16—Frequent State embassies recommended, p. 71, par. 17—Chunqua's intrigues unsuccessful in the removal of the merchants, p. 72, par. 8—Checked by Puan-khequa, p. 72, par. 11—Resistance to the Cohong system successful, p. 72, par. 13—Juniors always joined with the senior merchants in business, p. 72, par. 40—Pinqua's influence from obligations conferred on the Junior Hong, p. 72, par. 41—Chunqua and Pinqua not likely to coalesce, p. 73, par. 42—Object of Government in promoting the Cohong, p. 73, par. 7—Character of the several Hong, p. 73, par. 8—Influence of Howqua, p. 73, par. 9—Cohong influence shown in the dealings with the Americans, p. 73, par. 10—Would destroy competition, p. 73, par. 11—Prices would be fixed by one party, p. 73, par. 12—Would annihilate trade, p. 73, par. 13—Necessity of resisting the system, p. 74, par. 14—Cohong system, partly carried into effect, p. 85, par. 16.

Commerce. Pretended to be held in contempt by the Chinese, p. 17—But its suspension felt by the Government to be injurious, p. 70, par. 13, 14—Inference drawn from their anxiety about the recall of Sir George Staunton, p. 88, par. 15—Apprehension of removal of the trade, p. 130, par. 10.—See *Chinese Government*.

COMMITTEE OF CANTON FACTORY. Resents the prohibition to use Sedan-chairs, by forbidding the Chinese to enter the Factory in them, p. 3—Presents a Remonstrance at the City Gates on that subject, and the prohibition of the Residence of Females, p. 4—Remarks on the demand respecting delivering up the three Parsees, and the threat of

Committee of Canton Factory—continued.

sending an armed force into the Factory, p. 6—Demands an explanation from the Viceroy, p. 11—Remonstrance to the Hoppo on the prohibition of foreigners having their wives to reside with them, and points out that they are inconsistent with the morality of civilized nations, p. 13—The use of Sedan-chairs frequently necessary from illness, p. 13—The prohibition pointed out as inconsistent with the character of benevolence claimed by the Chinese, p. 14—Repels the insinuation of being aided by traitorous natives, p. 14—Removes the guns brought up to the Factory in expectation of assault by a military force, p. 16—Refuses to remove the resident females, on the faith of former promises against annoyance, p. 20—Denies that Mr. Baynes falsely filled the Chair, as stated by the Chinese, p. 21—Shows that it was his duty to arm the Factory, p. 22—Will not allow the Chinese authorities to interfere with the conduct of the Company's servants, p. 21; p. 29, par. 9—Gives a detailed account of the discussions with the Chinese Government concerning the prohibitions against Female Residence, and using Sedan-chairs, p. 26 to 30—Takes part in this business in unison with the indignant feelings of the residents, p. 26, par. 10—Takes precautions for defence of the Factory, and personal security of residents, p. 26, par. 11; p. 27, par. 16—Removes the guard from the Factory on assurances from the Chinese Government, p. 28, par. 58, 59, 60—A firmness of conduct necessary to prevent encroachments, p. 29, par. 13.—See *Females Resident at Canton. Sedan-Chairs.*

Investigates the circumstances leading to the death of Mr. Mackenzie; secures the accused person, p. 33-39—Reasons for resisting the interference of the Chinese Government, p. 38; p. 46, par. 7—Sends the accused in custody to Bombay, p. 38, 39, 40—States the case of the seaman given up by the French, p. 39—Refuses to give up the deceased's body, p. 43—Explains the affair to the Court of Directors, p. 45, par. 4.—See *Mackenzie.*

Orders Captain Innes to provide a guard for the protection of the Factory, p. 47—Approves his and Captain Baylis's conduct, p. 48.—See *Armed Force. Females Resident at Canton.*

Directs ships to sail detained because of unsettled accounts of the Honggs; ordered to return fire if fired on by the forts, p. 49.—See *Fire from Chinese Forts.*

Complains of the obstacles to the liquidation of the bankrupt Honggs' debts, p. 50—Arrangements entered into, p. 51, par. 229-232.—See *Bankrupt Merchants.*

Representations as to the Burthens on Trade, p. 51, par. 188, 91, 92.—See *Trade, Burthens on.*

Orders ships to sail detained by Chinese in consequence of a man being killed by an English seaman, p. 53, par. 9—Promises to prosecute the inquiry, p. 53, par. 2—Explain their reasons to the Court of Directors, p. 54, par. 11—Avoids much difficulty by referring the investigation to Captain Austin, when the Chinese could take no part in it, p. 55, par. 17—Points out the danger of admitting a suspicion to exist against any man in the ship, p. 55, par. 21-23; p. 56, par. 24, 25.—See *Detention of Ships.*

Represents to the Chinese government the evils of extortionate demands on the Honggs, by the Hoppo, p. 57, par. 8—Directs the ships detained to sail without permission, which procures the obtaining it, p. 57, par. 13, 14, 15.—See *Detention of Ships.*

Resists the attempt of the Chinese government to interfere in the conduct of the Company's servants, as in the instance of Mr. Roberts, who is ordered by the Government to quit Canton, p. 57, 58—Suspends commerce till order rescinded, p. 58, par. 8; p. 59, par. 137.—See *Suspension of Trade, 1.*

Procures redress of complaint of ill-treatment of the First Lieutenant of His Majesty's ship *Indefatigable*, p. 59, par. 298; p. 60, par. 299.—See *Indefatigable.*

Arrangement to remove the embarrassments of the Hong merchants, p. 60, par. 2—Avoids any interference with the Chinese government, which would give a pretext for burthening the trade, p. 61, par. 14—Considers a suspension of trade as a last measure, p. 63, par. 15—Protects the Junior Merchants, p. 64, par. 8-10—Counteracts the unfavourable disposition of the Viceroy towards them, p. 66, par. 12, 13—Supports their credit, p. 67, par. 12-15—Makes arrangements on behalf of Chunqua's creditors, p. 68, par. 21-23.—See *Hong Merchants.*

Communicates to the Court of Directors the endeavours of the Chinese to establish a Cohong, p. 68-74—Endeavours to counteract it, p. 68, par. 275, 276—Difficulty of judging of the conduct of the Committee; importance of trivial circumstances, p. 71, par. 15—Difficulty of their situation from the trade being liable to interruption from the caprice of the Viceroy, p. 71, par. 16—Recommends frequent embassies to the Chinese government, p. 71, par. 17—Resistance to the Cohong system successful, p. 72, par. 13—Gives the character of the several Honggs, p. 73, par. 8—Points out the necessity of resisting the system, p. 73, par. 13; p. 74, par. 14.—See *Cohong.*

Arrangements for opening the mission preparatory to Lord Amherst's Embassy, p. 74, par. 5.—See *Embassy.*

Steps taken to prevent the combination of Tea-merchants, p. 76, par. 10—Resolves to resist the proceeding, but to avoid the detention of the ships if possible, p. 77, par. 12, 14-30—Proposes plans for purchasing of inferior merchants, p. 78, par. 37—Succeeds in dissolving the combination, p. 79, par. 3.—See *Tea-Merchants.*

Joins with the Hong Merchants in representations to the Viceroy respecting Frauds in the Tea Contracts, p. 80, par. 11.—See *Tea Contracts.*

Discussions

Committee of Canton Factory—continued.

Discussions with the Hong Merchants on the demand for a gift to the Emperor on his attaining his 60th year, p. 81, par. 16-20.—See *Foreign Trade*.

Representations on the prohibition to employ natives in the Factory, p. 83, par. 8, 9—Suspends commercial intercourse, and differences adjusted, p. 84, par. 5, 6—Endeavours in behalf of the linguist Ajeu, p. 84, par. 2—Delivers addresses at the City Gates, p. 84, par. 3—Sends a mission to Canton, under Sir G. Staunton, to interfere for Ajeu, p. 85, par. 7-15; p. 89, par. 16-31—Obtains an intercourse on a better footing, p. 88, par. 16.—See *Discussions with the Canton Government* in 1814-15.

Addresses the Government for removing the detention of the ship General Hewitt, p. 91, par. 3—Forbearance on the refusal to receive the address, on account of Lord Amherst's embassy pending, p. 92, par. 6; p. 94, par. 21—Directs the General Hewitt to move to Whampoa, p. 92, par. 8—Ordered to return fire in case of necessity, p. 92, par. 10—Delivers address at the City Gates, p. 93, par. 11, 12—Endeavours to obtain the release of a compradore from imprisonment, p. 93, par. 13-15—Succeeds, p. 94, par. 8—Proceeds to load the General Hewitt, but stopped, p. 95, par. 10—Demands port clearances, p. 95, par. 11—Adjusts the difference with the Government, and ship loaded, p. 96, par. 3, 1—Points out the necessity of a perfect knowledge of the Chinese language, p. 91, par. 5; p. 97, par. 2.—See *General Hewitt Ship*.

Proceedings respecting His Majesty's ship *Alceste*, p. 97-100.—See *Alceste*.

Joined with American Consul to procure the punishment of robbers and murderers of the property and crew of the Wabash American ship, p. 100, par. 62—Determines to resist a threat to search the Company's ships for contraband goods, p. 100, par. 64.—See *Discussions with the Canton Government*, 1817-18.

Proceedings to adjust the difficulties arising from the death of a native by an officer of the ship *London*, p. 101—Derives great assistance from Dr. Morrison, p. 101, par. 7; p. 102, par. 12.—See *Discussions with the Canton Government*, 1820-21.

Difficulties arising from the affray at Lintin, between the crew of His Majesty's ship *Topaze* and the inhabitants, in which two Chinese are killed, p. 104—Remonstrates on being made responsible for the conduct of King's ships, p. 104, par. 3, 7; p. 112, par. 1-3; p. 113, p. 11—Determines to resist the suspension of trade by the Viceroy, p. 104, par. 6; p. 105, par. 6—Resolves to remove the treasure, and retire from Canton, p. 105, par. 7, 10, 3; p. 106, par. 6; p. 108, par. 13—Recommends a conference between the Viceroy and Captain Richardson, p. 105, par. 2; p. 106, par. 7—On Captain Richardson's sailing trade resumed, p. 110, par. 12—Resists the renewed demands for delivering up the men in the following year, p. 113, par. 6; p. 114, par. 2—Remonstrates against the doctrines of the Chinese as to accidental death, p. 113, par. 10—Suspends the trade, p. 115, par. 6, 7—Resumes it on the invitation of the Hoppo, p. 115, par. 8.—See *Suspension of Trade by the Chinese*, 2.

Complains to the Viceroy of an attempt by some natives to extort money by pretending that the crew of the *Balcarras* was the cause of the death of a Chinese, who was brought in a dying state and left in the ship's boat, p. 117, par. 5.—See *Extortion*.

Representations to the Viceroy of the conduct of the Macao custom-house people, p. 118, par. 68—Exactions repressed in consequence, p. 119, par. 34.—See *Macao Custom-house*.

Obtains a formal recognition by the Chinese Government of the right of addressing the Government, exclusive of all other foreigners, p. 119, par. 3—Obtains redress of a complaint, p. 120, p. 44.—See *Right of Addressing the Canton Government*.

Joins with other foreigners in obtaining the suppression of exorbitant charges for boats between Canton and Macao, p. 120, par. 119—Requires the Hong Merchants to state the legal charges, p. 119, par. 16—But cannot prevent their encouraging illegal fees, p. 120, par. 52.—See *Charges for Boats*.

Complains to the Viceroy of an assault made on Captain Walker in Canton, and obtains redress: procures the suppression of disorderly spirit-shops, p. 121, par. 4.—See *Walker, Captain*.

Expostulates with the Government on the injustice of insinuations against them of contraband practices, p. 121, par. 24, 26.—See *Contraband Practices*.

Steps taken in consequence of the accidental death of a Chinese on board the *Golconda*, p. 122, par. 4-8—Adjusts the affair without difficulty, p. 122, par. 21—Points out the favourable change in the minds of the Chinese as to accidental death, as regards foreigners, p. 123, par. 3.—See *Death of a Chinese*.

Resists the infringement of privileges, p. 123, par. 41-45—Remonstrates on certain grievances, p. 124, par. 46-51—Being rejected by the Viceroy, obtains redress by presenting it at the City Gates, p. 124, par. 52-54.—See *Privileges, Infringement of*.

Applies for removing the embarrassments of trade, p. 125, par. 3—Prefers that object to forwarding the loading of the ships for the season, p. 125, par. 5—Reasons for resisting the encroachments of Chinese authorities, p. 126, par. 16, 17—Determines to abstain from trade till grievances are redressed, p. 126, par. 18; p. 127, par. 19—Addresses a memorial to the Emperor, p. 127, par. 20—Favourable opinion of the security of commercial property in China, p. 127, par. 34—Points out the good effects of presenting addresses at the City Gates, p. 128, par. last 3—Orders trade to be resumed, on an accommodation being effected, p. 129, par. 2—States the details of the

Committee of Canton Factory—continued.

discussions, and the appointment of new Hong, p. 129, par. 4, 5, 6—Gives encouragement to the new Hong, p. 129, par. 7—Points out the necessity of competition among them, p. 130, par. 9—Augurs favourably of the augmentation of the Hong, p. 130, par. 11—Resumes commerce, p. 131, par. 14—Addresses the Viceroy for removing difficulties to the new appointments made in the Hoppo's department, p. 131, par. 2-4—Describes the character, circumstances, and connections of the new Hong, p. 132, par. 7-9—Interferes for the benefit of foreigners, p. 133, par. 45—Addresses the Governor recommending the creation of more Hong Merchants, p. 134, par. 26.—See *Hong Merchants and State of Foreign Trade*.

Relates the proceedings of the Chinese to check the Opium Trade, p. 134-138—Objects to the Company's ships giving bonds, as required by the Chinese Government, p. 135, par. 40, 41, 21; p. 136, par. 22—Points out the extent of the evil if complied with, p. 136, par. 23, 25, 26—Would be justified in resistance, p. 136, par. 27—Remonstrates with the Viceroy, p. 136, par. 28—And obtains from him an exemption from the regulation, p. 137, par. 2, 3—Will consider it proper to require opium ships to depart, p. 137, par. 18, 19—Notifies to the Bengal Government the intention of enforcing the restrictions of the Chinese authorities, p. 137, par. 83; p. 138, par. 84.—See *Opium Trade*.

CONTRABAND PRACTICES charged against the Supercargoes; (24.) Paper (E.) p. 121.

Unjust imputations, p. 121, par. 24—Threat of rescinding privilege of communicating in Chinese language, p. 121, par. 25—Insinuations retracted, p. 121, par. 26.

D.

Daniell, Mr.; Assists in forwarding the instructions relating to Lord Amherst's Embassy, p. 74, par. 6.

DEATH OF A CHINESE by Accident, on board the Country Ship Golconda, (25.) Paper (E.) p. 122.

Accidental circumstances of the death, p. 122, par. 5—The facts immediately communicated to the magistrates, p. 122, par. 6—Their inquiry; admitted to have been casual, and the relations satisfied, p. 122, par. 20—Affair adjusted without difficulty, p. 122, par. 21; p. 123, par. 6—Inference in favour of a change in the Chinese notions of responsibility of foreigners for accidental death, p. 123, par. 3.

Death of Chinese by Foreigners. A seaman of the Royal Charlotte accused of causing the death of a Chinese, but without any proof, p. 52, par. 3, 5—Ships detained in consequence, p. 52, par. 1—Danger of admitting that the man caused the death, unless satisfied of his guilt of murder, p. 54, par. 14; p. 55, par. 21-23; p. 56, par. 24, 25.

Accidental death of a Chinese by an officer of the ship London, p. 101, par. 2—The family quieted by gifts, p. 101, par. 7—The offender demanded by Chinese magistrates, p. 102, par. 9—Satisfied by a subterfuge, p. 103, par. 18.—See *Discussions with Canton Government*, 1820-21.

Two Chinese killed in an affray with the crew of the Topaze, p. 104, par. 2—The men concerned demanded to be delivered up, p. 105, par. 5—Resisted by the Committee, as having no control over His Majesty's ships, p. 104, par. 3, 7—Plea of self-defence not admitted by Chinese law in cases of death of natives occasioned by foreigners, p. 109, par. 9; p. 110, par. 3; p. 112, par. 4; p. 113, par. 6, 10—Subterfuges proposed by the Chinese to avoid compromising their authority, p. 108, par. 16; p. 115, par. 6.—See *Suspension of Trade by the Chinese*.

Attempt to extort money, by the Chinese taking advantage of the law against homicide by foreigners, p. 116; p. 117, par. 6—A Chinese at the point of death brought to a ship's side, and pretended to have been killed by the crew, p. 116, par. 2—Relatives confess the fraud, p. 117, par. 5—But slightly punished by the Government, p. 117, par. 3, 53, 54.—See *Extortion*.

Death of Foreigners by Chinese. Attack on the American ship Wabash, and murder of several of the crew; and punished by the Chinese Government on representation to it, p. 100, par. 62.

Death of Foreigners by Foreigners. A Portuguese seaman of the Stormont killed by a French seaman of the Success; given up to the Chinese authorities by the French Consul, and executed; no inquiries into the facts, or benefit of trial; no allowance made for accidental death; the first instance of the kind, p. 39—Chinese Government claim jurisdiction of such cases, p. 41-44—Will not discriminate between intentional and accidental death, p. 46, par. 7.—See *Mackenzie*.

DETENTION of Ships by the Chinese; (3.) Paper (E.) p. 52.

In consequence of a Chinese being killed by an English seaman; pretended identification of the offending seaman, p. 52, par. 3—Chinese propose that the ship should sail, and the offender punished by the English law when discovered, p. 52, par. 5—Acceded to, but not ratified by the Viceroy, p. 53, par. 7—No port-clearances obtained; ships ordered to sail, p. 53, par. 9—Not opposed by Chinese, on promise

of

Detention of Ships by the Chinese—continued.

of continuing the inquiry, p. 53, par. 2—Demand for delivering up the man renewed in the following year, p. 54, par. 298, 299—Explanation to the Court of Directors, p. 54, par. 11—Injustice of delivering up the man, being uncertain of his guilt, p. 54, par. 12—As it would have been sending him to execution, p. 55, par. 15—Evil of giving up an individual to an indefinite demand, p. 55, par. 18—Evil of admitting the suspicion of any men, which would revive the discussion, p. 55, par. 21, 22, 23; p. 56, pars. 24, 25.

Detention of the ship *General Hewitt*, p. 91, par. 3.—See *Suspension of Trade*.

In consequence of deficiency in the Hong's accounts, p. 49.—See *Fire from Chinese Forts*.

DETENTION of Ships in consequence of the Hong Merchants refusing to satisfy extortionate Demands of the Hoppo: (4.) Paper (E.) p. 56.

Hong merchants refuse to purchase "sing-songs," i. e. clock-work, for the use of the Hoppo, p. 56, par. 290—Hong's request the importation may be discontinued, p. 56, par. 291—Remonstrance to the Viceroy, p. 57, par. 10—Resolution to dispatch the ships without permission, p. 57, par. 13—Which induces the grant of permission, p. 57, par. 14—Grand Chops for sailing of the ships, p. 57, par. 15.

DIRECTORS, COURT OF; State to the Committee at Canton that the resort of European Females cannot be sanctioned, and represents the evils that might result from resistance to the prohibitions, merely to avoid a temporary domestic sacrifice, p. 30, par. 27.

Considers the affray at Lintin between the inhabitants and the crew of His Majesty's ship *Topaze* the business of the two Governments, not of the Company, p. 115, par. 6.

DISCUSSIONS with the Canton Government, Season 1814-15: (13.) Paper (E.) p. 82.

Conduct of the Chinese Government; Committee direct ships to stop at Chumpee, p. 82, par. 1—Arises from His Majesty's ships remaining there, p. 82, par. 2—American prize ships there, p. 82, par. 2, 3—Representations unfavourable to His Majesty's ships, p. 82, par. 4—Interested conduct of *Pinqua*, p. 82, par. 4—An American brig arrives with a prize, *Arabella*, an English ship, and is taken to Macao, p. 82, par. 5—Refused admittance by Portuguese; taken possession of by His Majesty's ship *Doris*, p. 82, par. 6—Chinese Government deem it an American ship, and a breach of neutrality, p. 82, par. 7—Native attendance at the Factory prohibited, p. 83, par. 8—More Europeans would become necessary, which would tend to disturbances, p. 83, par. 9—Supposed object of the prohibition, p. 83, par. 12—Refusal to receive representations in Chinese characters, p. 83, par. 14.

Commercial intercourse suspended by the Committee, p. 84, par. 5.—But differences adjusted, p. 6.

Differences renewed, p. 84, par. 1—Seizure of a linguist for carrying a portrait of the Prince Regent to Peking, p. 84, par. 2—Address refused reception at the City Gates, par. 3—Committee order British to quit Canton, and ships to leave Wampoa, p. 84, par. 3—Good effects produced; re-capture of the *Arabella* allowed to be proper, p. 84, par. 5—Differences to be discussed by Sir George Staunton, and a deputation from the Viceroy, p. 85, par. 6, 7—Broke off by the Viceroy, and Sir George Staunton joins the ships, p. 85, par. 10—Renewed at the request of the Hong Merchants, p. 85, par. 11—Differences adjusted, p. 85, par. 12—Cohong system partly carried into effect, p. 85, par. 16—Measures of oppression checked for the present, p. 86, par. 17—Trade proceeded in, p. 86, par. 18—Conduct of Sir George Staunton highly appreciated, p. 86, par. 19—Discussions terminated, p. 86, par. 2, 3.

Grievances of Europeans, to be judged of, must be considered collectively, p. 86, par. 4—Conduct of Chinese Government influenced by persons interested in American trade, p. 86, par. 5—Attack by boats of the *Doris* on an American schooner censured, p. 86, par. 5—Grievances enumerated, p. 87, par. 6—Specious conduct of the Chinese in discussions of complaints, p. 87, par. 8—Imputes treasonable practices to the Committee with the accused linguist, p. 87, par. 9—Right of addressing in Chinese language conceded, p. 88, par. 11—Prohibition of employing natives in the Factory, p. 88, par. 12, 13—Fees for boats passing the Bogue, p. 88, par. 14—Their seeming indifference to trade only pretended; shown by their anxiety to resume it when suspended, p. 88, par. 15—Intercourse with the Chinese put on a better footing by the discussion, p. 88, par. 16.

Conduct of the Chinese Government towards the accused linguist, p. 89, par. 16—Perversion of justice, p. 89, par. 17, 18, 19, 29, 30—His offence stated to be his connection with the English, p. 89, par. 31—Banished, p. 90, par. 6—Late insurrections falsely attributed to the Christians, p. 90, par. 8—Inimical disposition of the officers of government, p. 90, par. 10—Necessity of firmness in resisting unjust conduct, p. 90, par. 12.

DISCUSSIONS with the Canton Government, 1817-18; (16.) Paper (E.) p. 100.

Several American seamen killed by the Chinese, and their ship plundered; and punished on the joint representations of the United States' Consul and Committee, p. 100, par. 62—Regulations of commerce with foreigners not English, p. 100, par. 63—Attempt to search foreign ships to be resisted, as being detrimental to the general interest of trade, p. 100, par. 64.

DISCUSSIONS with the Canton Government, 1820-21 ; (17.) Paper (E.) p. 101.

A Chinese killed by a party from the ship London going for water, in firing to intimidate several from annoying the seamen, p. 101, par. 2—A ball-cartridge used by mistake for a blank, p. 101, par. 4—Deceased's family quieted by gifts, p. 101, par. 7—The offender demanded to be delivered up, p. 102, par. 9—Absconded, p. 102, par. 10—The body of a man who had died by suicide substituted for the offender, p. 102, par. 15, 16—Inquiry made by the Chinese, who put up with the subterfuge, p. 103, par. 18 to 23—Attempt to revive the inquiry prevented by the Chinese authorities, p. 103, par. 6, 7 ; p. 104, par. 112.

Doris, His Majesty's Ship ; Takes possession of an American prize, p. 82, par. 6—Attack on the American schooner at Whampoa, p. 86, par. 5.

Drummond, Captain, p. 116, par. 3 ; p. 117, par. 4.

E.

Earl of Balcarras Ship ; Attempts of Chinese to extort money, by leaving a dying man in its boat alongside, p. 116.

Elphinstone, Mr., when President, counteracts the endeavours of the Chinese to destroy competition, p. 73, par. 11.

Embassies to the Chinese Government ; Recommended as likely to be advantageous to trade, p. 71, par. 17.

EMBASSY under Lord Amherst ; (9.) Paper (E.) p. 74.

Communication to the local government, p. 74, par. 4—Arrangements for opening the mission, p. 74, par. 5—Communication favourably received, p. 75, par. 2—Inconvenience arising from Captain Claval's name being included in the bond to wait an answer, p. 75, par. 4—Merchants object to Sir G. Staunton accompanying the embassy, p. 75, par. 5—Supposed reasons, p. 76, par. 7—Anxiety at the delay of the ambassador's arrival, p. 76, par. 10.

Forbearance of the Committee pending, p. 91, par. 2, 4 ; p. 92, par. 6 ; p. 94, par. 21.

EXTORTION of Money by some Chinese ; (19.) Paper (E.) p. 116.

Pretended death of a Chinese, p. 116, par. 2—A man in a dying state brought to the side of the Balcarras, and placed in her boat, p. 116, par. 3—Relations demand compensation, p. 117, par. 4—Confess that he died of disease, p. 117, par. 5—Liability to such impositions from the recent laws of China as to death occasioned by foreigners, p. 117, par. 6, 7—Conduct of the Government, p. 117, par. 3—Trifling punishment of the offenders, p. 115, par. 53, 54.

Extortions of the Hoppo, p. 56—Compels the Hong to purchase clock-work for him, p. 56, par. 290.—See Detention of Ships.

F.

Fatqua ; Character of his Hong, p. 73, par. 8.

Fearon, Mr., Hanoverian Consul ; his name improperly introduced in the Chinese proceedings respecting Mr. Mackenzie's death, and intimidated to quit Canton, p. 27, par. 14—Was not concerned in the affray, as asserted by the Chinese authorities, p. 34.

FEMALES, Residence of, at Canton : Paper (A.) p. 1-30.

Proclamation of Chinese Governor, interdicting the bringing of foreign women to Canton by foreign merchants ; the Hong merchants commanded to expel the women ; their notification of the order, and requisition that the women be sent to Macao, p. 2—Chop from Hoppo, with remarks on the practice of bringing women to Canton, as contrary to law, p. 3.

Address from the Select Committee, and British Merchants, and Commanders and Officers of ships, written by Dr. Morrison, remonstrating against the interdictions, and complaining of the insulting accusations, p. 4, 5—Viceroy threatens to send soldiers to remove the females by force, p. 6—Answer of the Select Committee to the Viceroy's demand about the three Parsees and the lady ; the Committee resolves to resist the admission of an armed force into the Factory to seize a British subject, p. 6—Communication from the Government that there was no intention of executing the threat of violence ; the preventing the residence of foreign ladies not of sufficient importance to employ force ; Committee determine not to withdraw their guard till some document is received from the Viceroy, p. 7.

Edicts from the Viceroy and Hoppo, in answer to the Committee's Remonstrance ; foreign women first allowed to remain on ship-board, then to land at Macao ; but cannot be allowed to come to Canton ; instances stated : Mr. Baynes charged with opposing the prohibition, p. 8—Laws of interdiction of long standing ; Hong merchants to see that

Females, Residence of, at Canton—continued.

that they are obeyed, and to remove the foreign women to Macao, p. 8—The Hoppo's reply to the Remonstrance; laws of old standing, and to be obeyed, p. 9—The introduction of foreign slave-women always against the law; merchants can visit their families at Macao; heretofore foreign women not allowed to reside at Canton, p. 10—Edict from the Commandant at Canton, enjoining obedience to regulations made to soothe and tranquillize; merchants to keep quiet and attend to their merchandize, p. 11—Address from the Committee requesting assurances from the Viceroy of retracting the threat of sending an armed force into the Factory, p. 11—Hong merchants' assurances against molestation of any person resident in the Factory; edict of the Viceroy complaining of delay in giving up persons accused of murdering a Dutch captain, Mr. Mackenzie; and in bringing a foreign woman and a girl into the Factory; threat of sending an armed force, but not necessary if the merchants are penitent; complaints of the arming of the Factory, p. 12—Foreign merchants trading quietly will be protected; the guns must be sent to the ships; the women to Macao: if obstinate, the commerce will be stopped, p. 13—Remonstrance of the Committee against the prohibition of foreigners having their wives to reside with them; states that the practice has long existed; and points out the injustice of disallowing it, p. 13, 14.

Assurance of security from the Viceroy, p. 15—The military will not be moved to surround and expel them, since Baynes and others have become penitent, p. 15—The guns required by the Governor to be sent away from the Factory, p. 15—Ordered away by the Board, p. 16.

The Hoppo complains of being importuned by representations. Regulations made to prevent foreigners from falling into the net of the law, p. 16—Chinese can do without woollens and watches, but foreigners cannot do without tea and silk; cannot show kindness, because the Chief has cut off the means; the chief and others must meditate on this and the past, that they may enjoy benevolent rule, p. 17.

Report of transactions made to the Imperial Court; represents that the English were alarmed by a false report of an intention to surround the Factory by military, and which caused them to place guns and guards; the military kept quiet guard, that the foreigners might not be befooled by wrong suspicions; found, on inquiry, that the guns were brought to the Factory in ignorance of the law; ordered away, and the foreign women to be removed, p. 18.

Edict of Kwangchow Foo for removing the foreign women brought by Baynes and others to Canton, p. 18—Viceroy's edict, renewing the orders for the removal of the ladies, p. 20—The Committee refuse, referring to the promises formerly given for no further annoyance, p. 20—The Hoppo's edict, accusing Mr. Baynes of being the cause of the present business; that he falsely filled the Chair, and introduced foreign women, p. 20—Marjoribanks and others permitted to come to the city for removing Baynes from the chiefship; Baynes may be kept in safe custody till his punishment is determined on, p. 21.

Reply to the Hoppo's edict, denying that Mr. Baynes falsely filled the Chair, but properly succeeded Mr. Plowden, p. 21—Urges the propriety of allowing the wives of foreign residents to remain with them; Mr. Baynes armed the Factory for necessary self-defence; British character not to be intimidated by threats, p. 22.

Edict from Governor Le; English merchants have always obeyed regulations, and never brought married or unmarried women to Canton, p. 22—When some were brought by mistake, sent back; the trade was not stopped when Baynes brought women with him, because all should not be punished on account of one man; now Baynes is gone, Committee to enforce observance of law; husband and wife should not be separated at home, but it is different when they are abroad, p. 23.

Reply from the Imperial Court of Peking leaves a discretionary power to the officers of the Government to act according to circumstances, p. 24—Repetition of prohibitions of women coming to Canton; considers the guns were brought up for defence against pirates; old regulations to be enforced; to be done with all good management, p. 24.

Memorial to the Emperor from Tseong Keun King, &c., states that Baynes having introduced foreign women, armed the Factory under the false apprehension that soldiers would surround it, p. 24—Baynes, on repentance, sent back the guns, and removed the women to Macao; obstinacy of foreigners, particularly Baynes; another chief chosen in his place; prohibitions must be observed; the barbarians must be kept in awe, p. 25.

Order of Governor Le, for enforcing former regulations against the residence of foreign women, p. 25—If opposed, must be expelled by force, p. 26—Foreign women brought by Thornhill and Whiteman must be removed; Hong merchants to see this obeyed, p. 26.

Extract of letters from the Select Committee to the Court of Directors, detailing these proceedings; malignant temper shown by the Chinese Government in prohibiting the residence of European females; threats of removing them by an armed force, p. 26, par. 9—Indignant feelings of the residents; call on the Committee to join in remonstrating, p. 26, par. 10—Precautions taken for the defence of the Factory, p. 26, par. 11—In past seasons several ladies resident; Mrs. Baynes invited to Canton by Howqua, p. 26, par. 12—Reasons why the safety of the families of the members of the Factory require them to be resident, p. 27, par. 13—Threats of the Government have bearings on the affray

Females, Residence of, at Canton—continued.

which occasioned Capt. Mackenzie's death, p. 27, par. 14—Concession would encourage the Chinese to insist on searching the Factory, and seizing persons, p. 27, par. 15—A guard ordered into the Factory, p. 27, par. 16—No appearance of the trade being disturbed, p. 27, par. 17—The Chinese restrained from attempting that mode of annoyance by the proceedings of last season, p. 27, par. 18—Mere verbal assurances not sufficient to give confidence of safety, p. 28, par. 57—Promises given that English ladies should not be molested; and that the edicts were matters of form, p. 28, par. 58—Order given for removing the guard in consequence, p. 28, par. 59, 60—Viceroy's reply that he will not admit the principle of moving the military to surround and expel; and terminating the discussion, p. 28, par. 61.

Proclamation of the Hoppo against Mr. Baynes, and interfering with the servants of the Company, p. 29, par. 9—Resistance necessary; being an experiment how far the Company will yield, p. 29, par. 10, 11—Imperial edict ordering things to be "arranged with liberality, and managed with kindness," p. 29, par. 12—Evinces an amicable disposition; induced by the rebellion in Tartary; impressions of proceedings of last year; favourable effect of firm opposition to encroachments, p. 29, par. 13—The subject of Female Residence acknowledged to be a trifling matter; influence of the jealous feeling of the Hong on the conduct of Government, p. 29, par. 9—Undue weight attached to the question, p. 30, par. 10—Interchange of courtesies with the local authorities, p. 30, par. 6.

Extract of a letter from the Court of Directors to the Select Committee at Canton; states that the resort of European Females to Canton cannot be sanctioned; great evils might result from resistance to the prohibitions, merely to avoid a temporary domestic sacrifice, p. 30, par. 27.

Foreigners forbidden to use Sedan-chairs in Canton, p. 2 to 30.

FOREIGN TRADE, Charges on: (12.) Paper (E.) p. 81.

Contribution of the Hongs to the Emperor on his 60th year exceeds former gifts; will fall on the trade, p. 81, par. 16, 17, 18—New imposts on the trade prohibited by the Hoppo, p. 82, par. 19.

Foreign Trade; State of, and additional Hongs. See *Hong Merchants*.

FIRE FROM CHINESE FORTS, to be returned by Ships: Paper (D.) p. 49.

Ships detained by Chinese because of deficiency of the Hong's accounts; ordered to sail, and to return fire if fired on by the forts; one ship fired at, which was returned; another passes through the Bogue, p. 49.—See *Alceste*.

G.

GENERAL HEWITT, Company's Ship; (14.) Paper (E.) p. 91.

Seizure and ill-usage of the Compradore, under pretence that he conducted Europeans to the city, p. 91, par. 1; p. 93, par. 13—Tortured and imprisoned, p. 93, par. 14, 15—Released, p. 94, par. 8.

Natives in the Company's employ ill-treated by the Chinese, p. 91, par. 2—Ship General Hewitt conveys presents connected with Lord Amherst's embassy to Tring Sing; detained under pretence of irregularity, p. 91, par. 3—Misunderstanding from a different translation of a Chinese character, p. 91, par. 5—Refusal to receive address; forbearance of the Committee on account of Lord Amherst's embassy, p. 92, par. 6; p. 94, par. 21—The General Hewitt to move to Whampoa, and wait the arrival of the ambassador, p. 92, par. 8—Refusal to receive the letter explaining the intention, p. 92, par. 9—Difficult situation of the ship; in case of violence ordered to return fire, p. 92, par. 10—Letter delivered by a deputation at the City Gates, p. 93, par. 11.

General Hewitt allowed to load, but under conditions refused by the Committee, p. 94, par. 22—Threat against persons in Company's employ, p. 95, par. 9—Loading the General Hewitt stopped, p. 95, par. 10—Port-clearance demanded, unless permitted to complete the lading, p. 95, par. 11—Load on condition of waiting Lord Amherst's arrival, p. 96, par. 3—Chinese not to be trusted with translating communications, p. 96, par. 5—Viceroy satisfied with Committee's reply; vexatious interference of the merchants, p. 96, par. 6.

Gnewqua, a bankrupt Hong Merchant; Discussions for the liquidation of his debts, p. 50.

Golconda, Ship; Accidental death of a Chinese on board, by the recoil of a hawser, p. 122, par. 5.—See *Death of a Chinese*.

Gogua; Character of his Hong, p. 73, par. 8.

Grievances of Europeans, in carrying on trade, must be considered collectively, p. 86, par. 4—Remonstrance to Chinese Government on several, presented at the City Gates of Canton, p. 124, par. 52, 53, 54—Determination of the Committee to abstain from trade till grievances redressed, p. 126, par. 18—A memorial of, to the Emperor, p. 127, par. 20.

H.

Hing Tae; The name of Yen-ke-Tseang's Hong, p. 132, par. 7.

Homicide; Chinese Law as to, when occasioned by Foreigners. See *Death*.

HONG MERCHANTS, Embarrassments of; (7.) Paper (E.) p. 60.

Arrangement of claims of European creditors, p. 60, par. 2—Application to Chinese Government would have been a pretext for impositions, p. 60, par. 3—Chunqua desirous of being re-admitted to a share in the Company's business, p. 60, par. 10—Allotment of business between the Hong, p. 60, par. 11, 12; p. 61, par. 13—The debts will be liquidated from their profits; but if under the arrangement of the Chinese Government, will be paid by the body of Hong, and charged on the trade, p. 61, par. 14—Manner of contracting for tea, p. 61, par. 15—Hong merchants, 1806-7, insolvent, p. 61, par. 167—The ruin of five expected, p. 61, par. 169—Advantage to the Company to prevent this, p. 61, par. 170—Moderation of the Hoppo Te-ta-Zin, p. 61, par. 172—Meritorious conduct of private creditors, p. 62, par. 173—Hong have now resources within themselves, p. 62, par. 174—Advance to merchants, and rate of interest charged, p. 62, par. 175—Bankruptcy of the merchants will occasion additional taxation, p. 62, par. 12—Debts by failure of the Hong will fall on the European trade, p. 63, par. 68—State of the Company's affairs in China, p. 63, par. 14—Suspending the trade to be the last resort, p. 63, par. 15—Difficulty of conducting a trade unprotected by the Chinese Government, p. 64, par. 16—Apprehension of Junior Merchants of the removal of those in debt by the Chinese Government, p. 64, par. 38—Their debts would fall on the trade in the shape of duties, p. 64, par. 41—Endeavours to protect them, p. 64, par. 8, 9, 10—Good effects therefrom, p. 65, par. 5—Disposition of the First Merchant in favour of the Juniors, p. 65, par. 5, 6, 7—Unfavourable disposition of the Viceroy towards them to be counteracted, p. 66, par. 12, 13—Favourable determination of Chinese Government, p. 66, par. 25, 7—Their extrication from embarrassment necessary to the Company's interest, p. 66, par. 144—Project of the Government to remove them abandoned, when found contrary to its interest, p. 67, par. 147, 148—Imperial edict in their favour, p. 67, par. 11—Advances and endeavour to support their credit, p. 67, par. 12, 13, 14, 15—Arrangements made in behalf of Chunqua's creditors, p. 68, par. 21, 22, 23.—See *Cohong*.

HONG MERCHANTS. State of Foreign Trade at Canton, and the Establishment of additional Hong; (27.) Paper (E.) p. 125.

Application to remove embarrassments of trade, p. 125, par. 3—Unfavourable reply, p. 125, par. 4—Importance of the object; preferred to loading the ships, p. 125, par. 5—Imperial order for establishing new Hong disregarded by the local authorities, p. 125, par. 7—Influence with the Chinese Government purely commercial, p. 126, par. 15—Has become a powerful instrument; reasons for firmly resisting the encroachments of Chinese authorities, p. 126, par. 16, 17—Determination to abstain from trade till grievance redressed, p. 126, par. 18; p. 127, par. 19—Memorial to the Emperor, p. 127, par. 20—Returned unnoticed, p. 127, par. 30, 31—Viceroy's answer conciliatory, p. 127, par. 32—Its substance, p. 127, par. 33—Security of property in trading concerns highly favourable in China, p. 127, par. 34—Favourable disposition of the Court of Peking inferred, p. 128, par. 35-39—Good effects from presenting addresses at the City Gates, p. 128, par. last 3—Hope of restoring the number of Hong, p. 128, par. last 2—Exorbitant fees demanded for the appointment, p. 129, par. first 2—An accommodation effected, p. 129, par. 2, 3—Details of the discussions, p. 129, par. 2-5—One new Hong added, p. 129, par. 6—Alleged difficulty of finding candidates; new ones to be encouraged, p. 129, par. 7—Necessity of competition by new Hong, p. 130, par. 9—Frauds in the bankruptcy of Manhop, p. 130, par. 10—Augmentation of the Hong favourable, p. 130, par. 11—Favourable inference, p. 130, par. 12—Commerce resumed, p. 131, par. 14—Pun-suy-lan a candidate for a new Hong; obstacle from fees demanded, p. 131, par. 15—Obstacle removed, p. 131, par. 3—Pun-suy-lan appointed, with others, p. 132, par. 5—Character, circumstances and connections of the new Hong, p. 132, par. 6-9—Security given independent of the old Hong, p. 132, par. 11—These appointments will open competition, p. 133, par. 12—Conduct towards the bankrupt Hong of Chunqua, p. 133, par. 13—Interference by the Committee for the benefit of foreigners advances the Company's interest, p. 133, par. 45—Addition of two more Hong, p. 133, par. 6—Address for creating more, p. 134, par. 26—Advantage acknowledged by the Chinese, p. 134, par. 5.

Hong Merchants. The characters of the several Hong, p. 73, par. 8, 9; p. 132, par. 6-9—Complain of frauds in contracts for tea, p. 80, par. 9—Join with the Committee in repressing them, p. 80, par. 11—Demand on them for a contribution to the Emperor on his 60th year, p. 81, par. 16, 17—Encourage exorbitant charges for boats between Canton and Macao, p. 120, par. 119, 16, 52—Suspected of conniving at contraband trade in opium, p. 134, par. 38, 39.

Hong Merchants, Junior. Their ruin desired by the Chinese Government, p. 69, par. 3, 7; p. 67, par. 147—Would be injurious to trade, p. 70, par. 10—Supported by the Committee, p. 64, par. 8-10; p. 67, par. 149, 11, 12, 13.—See *Bankrupt Merchants*.

Hongs; Names of, can never be changed; but names of individuals constantly altered according to their caprice, p. 132, par. 7.

Howqua. His character as a Hong merchant, p. 73, par. 8—Influence over foreign trade, p. 73, par. 9—Overrules the combination of American merchants, p. 73, par. 10.

I. & J.

Jameson Captain; His services in delivering an address at the City Gates of Canton, p. 93, par. 11, 12.

INDEFATIGABLE, His Majesty's Ship; (6.) Paper (E.) p. 59.

First Lieutenant of, attacked and ill-treated while on shore, and a gun stolen by the Chinese, p. 59, par. 298—Remonstrance to Government; complaint redressed, p. 60, par. 299.

Innes, Captain John. Supplies a guard to the Factory, p. 47—His conduct approved, p. 48.

K.

Kingua; Character of his Hong, p. 73, par. 8.

L.

Lintin; Affray at, between the crew of the *Topaze* and Chinese, p. 104.—See *Death of Natives. Richardson. Suspension of Trade by Chinese. Topaze.*

London, Ship; Affray with the natives, p. 101.—See *Discussions.*

Lyra Brig; Accompanies His Majesty's Ship *Alceste* on Lord Amherst's Embassy, p. 97, par. 23; p. 100, par. 6.

M.

MACAO CUSTOM-HOUSE, Conduct of the People at; (20.) Paper (E.) p. 118.

Aggression of the people, p. 118, par. 47, 68—Representations to Government neglected, p. 118, par. 69—Abuses ostensibly removed, but tacitly allowed, p. 118, par. 72—Instances, p. 119, par. 73—Smuggling falsely charged against commanders of ships, p. 119, par. 75—Exactions suppressed, p. 119, par. 34.

MACKENZIE, MR., Death of: Paper (B.) p. 31 to 46.

Information of his death in an affray, p. 31—Accused persons arrested, p. 31—Inquest of a jury, p. 32—Men liberated on conditions, p. 32—Again arrested on demand of the Viceroy, p. 32—Circumstances of the affray; Captain Mackenzie interferes in a quarrel about a locked door, and is wounded, p. 33—Persons accused committed to custody, p. 33—Depositions of witnesses, p. 33—Hong Merchants directed by Chinese Government to make inquiry, p. 34—Chinese magistrates claim jurisdiction, p. 35-41—Instances of the exercise of their authority, p. 34-41—Case stated by them of a seaman given up by the French in 1780, and put to death by the Chinese, p. 35, 36—Inquiries by Chinese magistrates, p. 37.

Select Committee consider the business, p. 38—Reasons for not allowing the interference of the Chinese, p. 38—Accused to be sent to Bombay, p. 38—Order for that purpose, p. 40—Account of the affair transmitted thither, p. 39—Committee's statement of the case of the seaman given up by the French, p. 39.

The body of the deceased and the person of the accused demanded by the Chinese Government, p. 42—Orders inquest to be made, p. 42—Reply that the accused was gone, and declining to disturb the body, p. 43—Viceroy insists on right of jurisdiction, p. 43—Further demand for giving up the accused, p. 44—Reply, p. 45—Proposal by Chinese magistrates that the accused should be tried by the English under the superintendence of Chinese, p. 45.

Explanation of the affair to the Court of Directors, p. 45, par. 4—Reasons for refusing to deliver up the accused, p. 46, par. 7—Usual routine of business not affected, p. 46, par. 8.

Mackenzie, Mr., Death of. Captain of a Dutch ship, p. 31—Parsees implicated in, demanded by the Chinese Government, p. 6, 12—The affair mixed up with the motive for expelling Female Residents from Canton, p. 27, par. 14.

Ma-too-leang, a new Hong; the Hong's name, Shun Tae, p. 132, par. 9.

Manhop,

Manhop, Hong; Bankruptcy; frauds of, p. 130, par. 10.

Maxwell, Captain of His Majesty's ship *Alceste*. See *Alceste*.

Metcalf, Sir *Theophilus*. Assists in executing the instructions respecting Lord Amherst's embassy, p. 74, par. 6—Conveys Lord Buckinghamshire's letter on the subject to Canton; waves his privilege of being seated in the Viceroy's presence, p. 75, par. 2.

Morrison, Dr. Address to Chinese authorities, remonstrating against the prohibition of females residing at Canton, drawn up by him, p. 5—His assistance in adjusting the difficulties arising from an affray with crew of the ship *London* and some natives, p. 101, par. 7—His thorough knowledge of the Chinese language very advantageous, p. 102, par. 12.

Mowqua; Character of his Hong, p. 73, par. 8.

Murder. See *Death*.

N.

Names of Persons, in China, constantly altered according to the caprice of the individual; but names of Hongs can never be changed, p. 132, par. 7.

O.

OPIMUM TRADE: (28.) Paper (E.) p. 134,

Chinese threaten to check the trade, p. 134, par. 34—*Pinqua* deprived of his Button, p. 134, par. 36—Committee disinclined to interfere, p. 134, par. 37—Proceedings of the Chinese government to suppress illicit trading, at which the Hongs are suspected of conniving, p. 134, par. 38, 39; p. 135, par. 47—Bonds required of the Company's ships, p. 135, par. 40, 21; p. 136, par. 22—Objectionable, p. 135, par. 41—But imputations on the Company's ships disavowed, p. 135, par. 45—Confiscation of cargoes of illicit ships, p. 135, par. 46—Bonds required of the Hongs for ships, against illicit trading in opium, p. 135, par. 16-20—Extent of evil if complied with, p. 136, par. 23, 26—May become pretexts of injustice, p. 136, par. 25—Will justify opposition, p. 136, par. 27—Remonstrance to the Viceroy, p. 136, par. 28—Who persists, p. 136, par. 29—Who will make no distinction between the Company's and other ships, p. 136, par. 1—On reconsideration, exempts them from the law, p. 137, par. 2, 3—Private opium ships required to depart, p. 137, par. 18, 19—Company's trade made responsible for the departure of private opium ships, p. 137, par. 81, 82—Notice to the Bengal government of the intention of the Committee to enforce the restrictions of the Chinese authorities, p. 137, par. 83; p. 138, par. 84.

P.

Pigott, Mr., affray with the Chinese, p. 101.

Pinqua, the Second Hong Merchant, p. 66, par. 10—Endeavours to establish a Cohong, p. 69, par. 5—Unfriendly to the English, and partiality to the Americans, p. 69, par. 6; p. 71, par. 7—His influence derived from wealth, and obligations conferred on the Junior Hongs, p. 72, par. 41—Will not coalesce with *Chunqua*, p. 73, par. 42—Interested to favour the Americans, p. 82, par. 3, 4—Deprived of his Button, p. 134, par. 36.

Ponqua, a bankrupt Hong Merchant; Discussions for liquidation of his debts, p. 50.

PRIVILEGES, Infringement of: (26.) Paper (E.) p. 123.

Disposition to rescind established privileges; disregard of representations, p. 123, par. 41—Address returned, with directions to the merchants to alter it, p. 123, par. 42—Disavowal of any alterations by the merchants, p. 123, par. 43—Messenger of an address seized, p. 123, par. 44—Reply to it contumeliously pasted on the walls, p. 123, par. 44.

Excursions on the water for amusement restricted, p. 123, par. 45—Abusive proclamation issued, p. 124, par. 46—Remonstrance on these grievances, p. 124, par. 47-51—Refused to be received, p. 124, par. 52—Presented at the City Gates by a deputation and detachments of boats' crews, p. 124, par. 53—The expedient successful, p. 124, par. 54—Conciliatory conduct of Chinese, p. 125, par. 37.

Property, Commercial; Security of, in China, p. 127, par. 34.

Puan-khe-qua, the First Hong Merchant; allotment of business to him, p. 65, par. 5—Good conduct, p. 65, par. 6—Assists the Junior Merchants, p. 65, par. 7—Address and capacity, p. 65, par. 4—Checks the intrigues of *Chunqua*, p. 72, par. 10, 11—His character as a Hong Merchant, p. 73, par. 8.

Punishment.

Punishment. See *Cangue*.

Pun-suy-lan. A candidate for a new Hong, p. 130, par. 8; p. 131, par. 15, 2, 3—Admitted, p. 132, par. 5—His Hong named Chong Wo, p. 132, par. 8—Correct name Puan-wun-taou, p. 132, par. 8.

R.

RIGHT OF ADDRESSING the Canton Government; (21.) Paper (E.) p. 119.

The privilege allowed exclusively to the Committee, and of great importance, p. 119, par. 3—Satisfactory conduct of the Chinese officers, p. 120, par. 44.—See *Chinese Character and Language*.

Richardson, Captain of His Majesty's ship *Topaze*, p. 104, par. 3—Affray between his crew and Chinese, in which two Chinese are killed, p. 104, par. 2—Writes to the Viceroy explaining the circumstances, and stating that they shall be reported to his sovereign, p. 107, par. 4, 5, 6; p. 110, par. 11—Not noticed by the Viceroy, p. 107, par. 8—Rejects a subterfuge proposed by the Hong merchants, p. 108, par. 16, 17—Writes again to the Viceroy, p. 108, par. 18; p. 110, par. 8—Receives no reply, and sails, p. 109, par. 11; p. 110, par. 4.—See *Suspension of Trade by the Chinese*.

Roberts, Mr. Connected with the defaulting merchants Gnewqua and Ponqua; advances them money, p. 58, par. 4, 7—Ordered to leave Canton by the Viceroy, p. 58, par. 4, 5—Prevented by the interference of the Committee, p. 59, par. 137, 138.—See *Suspension of Trade*, 1.

S.

SEDAN CHAIRS used by Europeans; Paper (A.) p. 2—30.

Order of Governor Le, prohibiting foreigners going about in Sedan Chairs; a foreigner seen to go into the Factory seated in a chair contrary to order; inquiry to be made whether the Hong merchants have connived at the practice, p. 2—Foreigners to go to their boats on foot; the Hong merchants to see the order observed, p. 2—Resolution of Committee, prohibiting persons coming in Sedan Chairs into the Factory, p. 3—Address written by Dr. Morrison, remonstrating against the prohibition, p. 4, 5—If foreigners sick in going to and from the Factory, not to ascend Shoulder-carriages, p. 8—Foreign merchants in former days did not use them; overstep their station by using them now, p. 9—Hitherto not used, therefore no hardship in walking, p. 10.

Edict from Iseung Keun disallowing the use of Sedan Chairs, p. 11—Address from Select Committee, remonstrating against the prohibitions, p. 13, 14—Imperial reply, repeating the prohibitions; memorial from Chinese authorities to the Emperor on the use of Sedan Chairs by the merchants, p. 24—Order from Chinese Governor Le against the use, p. 25—Extract of letter to Court of Directors; restrictions removed on Chinese being employed as Chair-bearers, p. 30, par. 6.

Shoulder-Carriages described, p. 9.—See *Sedan Chairs*.

Shun Tae; The name of Ma-too-leang's Hong, p. 132, par. 9.

Signature, in attestation of affidavits, made by a coloured impression of the deponent's hand, p. 122, par. 20.

Smuggling. See *Contraband Practices*.

Staunton, Sir George, p. 63, par. 13—False imputations against him by Chunqua, p. 70, par. 11—His arrangements defeat Chunqua's intrigue for removing the Junior Hong, p. 72, par. 8—Is personally attacked by Chunqua, p. 72, par. 9—Attached to Lord Amherst's embassy, p. 74, par. 6—His accompanying the embassy objected to by the Hong, p. 75, par. 5—Supposed to arise because of his knowledge of the Chinese language, and of the proceedings of the local government, p. 76, par. 7—His mission to Canton in 1814, p. 85, par. 7, 8, 10, 11, 12—His conduct commended, p. 86, par. 19.

Stormont, Ship; A Portuguese sailor belonging to, killed by a French seaman, p. 39.

Success Galley; A French seaman belonging to, having killed a seaman of the *Stormont*, is given up to the French Consul, and put to death by the Chinese, p. 39.

SUSPENSION OF TRADE:

1. *By the Committee.*
2. *By the Chinese.*

1. *By the Committee:*

In consequence of the Viceroy directing Mr. Roberts to quit Canton; (5.) Paper (E.), p. 57.

Imputations against Mr. Roberts, as connected with Gnewqua's and Ponqua's affairs, p. 58, par. 4—Required to leave Canton, p. 58, par. 5—Advanced money to the defaulting

Suspension of Trade—continued.1. *By the Committee*—continued.

defaulting merchants, p. 58, par. 7—Retraction of Chinese Government, p. 58, par. 8—Commercial intercourse declined till the order for his removal is rescinded, p. 59, par. 137—Viceroy concedes, p. 59, par. 138—Business resumed, p. 59, par. 139—Other insolences checked by this proceeding, p. 59, par. 27.

In consequence of the discussions, in 1814–15, respecting prohibition to employ natives, and the arrest of the linguist Ajeu, p. 82.

Resolved on by the Committee to enforce the redress of certain grievances in respect to foreign trade, and the appointing of additional Hong, p. 126, par. 18—Chinese conduct influenced by the fear of, p. 27, par. 18—To be resorted to only as a last measure, p. 63, par. 15—Is an evil felt by the Chinese Government, p. 70, par. 13; p. 108, par. 12—No other way of influencing it, p. 70, par. 14—Suspended in 1814, p. 84, par. 5—Apprehensions from suspension during the discussions about increasing the Hong, p. 130, par. 10.

In consequence of some Chinese being killed in an affray, at Lintin, with the crew of His Majesty's ship *Topaze*; (18.) Paper (E.) p. 104.

Affray with the inhabitants at Lintin, p. 104, par. 2, 3—Injustice of making the Company answerable for the conduct of King's ships, p. 104, par. 3, 7—Trade suspended in consequence, p. 104, par. 6—Difficulty of adjusting the business, p. 105, par. 5—Committee determine on resisting the Viceroy's measures, and steps taken, p. 105, par. 6—Treasure to be removed, p. 105, par. 7–10—Viceroy insists on the men being delivered up, p. 105, par. 2—Factory withdraw to the ships with the treasure, p. 105, par. 3—Viceroy retracts his threats, p. 106, par. 4—But not his intention of renewing the discussion, p. 106, par. 5, 6—Retiring from Canton persevered in, p. 105, par. 3; p. 106, par. 6—A conference with Captain Richardson recommended, p. 106, par. 7—Viceroy insists on his demands; ships removed through *Bocca Tigris*, p. 106, par. 2; p. 107, par. 9, 10, 11—Hong represent the Viceroy disposed to accommodation, and suggest a letter of explanation from Captain Richardson, p. 107, par. 4, 5—Writes, but no notice taken of it, p. 107, par. 6–8—Preparation made for a complete removal from Canton, p. 108, par. 13—Sensation on the Canton government, p. 108, par. 14—Hong merchants propose a subterfuge, p. 108, par. 16—Could not be acquiesced in by Captain Richardson, p. 108, par. 17—A letter of explanation written by him to the Viceroy, p. 108, par. 18—Which the merchants promise to deliver, p. 108, par. 19, 20—Mandarins repair to the *Topaze* to make inquiry, p. 109, par. 3–7—Doubtful of success, p. 109, par. 8—Plea of self-defence not admitted by Chinese law, p. 109, par. 9; p. 110, par. 3—Imperial decision, p. 112, par. 1–5—Captain Richardson resolves to sail, p. 109, par. 11—Sails, p. 110, par. 4—Representation to the English Government promised, p. 110, par. 8, 9—As the ship has sailed no further explanation can be given if demanded, p. 110, par. 11—Trade re-opened, and invitation to return to Canton, p. 110, par. 12.

Discussions renewed by Viceroy, and the return of the accused seamen demanded, p. 111, par. 70–73—Committee deny having promised to return the men, p. 113, par. 6—Edict issued making the Chief of the Factory answerable for the conduct of King's ships, p. 112, par. 1–3; p. 113, par. 11—Remonstrance against the conduct and doctrines of the Chinese Government as to homicides, p. 113, par. 10—Return of the accused seamen expected by the Chinese, p. 113, par. 3—Stoppage of trade threatened, p. 114, par. 4—Men again demanded on the arrival of the *Bombay*, p. 114, par. 2—Committee suspend the trade, p. 115, par. 6, 7—Trade resumed on the invitation of the *Hoppo*, p. 115, par. 8—Factory return to Canton, p. 115, par. 10.

Opinion of the Board of Control; an affair between the Governments, and not with the Company, p. 115, par. 6, last—Expedients proposed by the Hong to give a belief that the men had died on the voyage; rejected by the Committee, p. 115, par. 6, last—The affair probably concluded, p. 116, par. 2, 3.

2. *By the Chinese*:

In consequence of disputes respecting the affray at Lintin, with the crew of the *Topaze*, p. 104.

Detention of ships in consequence of a Chinese being killed by an English seaman, p. 52—See *Detention of Ships*.

Detention of the ship *General Hewitt*, p. 91.—See *General Hewitt Ship*.

In consequence of the deficiency in the Hong's accounts, p. 49.—See *Fire from Chinese Forts*.

In consequence of the Hong refusing to comply with extortionate demands of the *Hoppo*, p. 56.—See *Detention of Ships*.

T.

TEA CONTRACTS, Frauds in; (11.) Paper (E.) p. 80.

Hong merchants resolve to complain to the Government, p. 80, par. 9—Proverbial dishonesty of the dealers, p. 80, par. 10—Committee join in representations to the Viceroy, p. 80, par. 11, 12, 13—Favourably received, p. 80, par. 14—Edict for their punishment, p. 81, par. 57.

TEA MERCHANTS, Combination of; (10.) Paper (E.) p. 76.

Hong merchants to be assisted in preventing, p. 76, par. 10, last—Tea merchants refuse to allow appreciation and reduction in price, p. 77, par. 11—Resistance necessary, though at present loss, p. 77, par. 12—Persist in their demands, p. 77, par. 29—Plan of resistance, p. 77, par. 30, 31—Prices, p. 78, par. 32—Terms proposed to the chief tea merchants, and refused, p. 78, par. 33, 34, 35, 36—Proposal to the poorer tea merchants, p. 78, par. 37—Which is likely to succeed, p. 79, par. 46—Combination dissolved, p. 79, par. 3—Magistrates denounce punishment against combinations, p. 79, par. 6.

Tea Merchants; Manner of contracting with them, p. 61, par. 15.

Thornhill, Mr.; Resides with his wife at Canton; forbidden by the Chinese Government, p. 19, 23.

Topaze, His Majesty's ship; Affray with the crew of, and Chinese, in which two Chinese are killed, p. 104.—See *Suspension of Trade*.

TRADE, BURTHENS ON; (2.) Paper (E.) p. 51.

Representations to the Viceroy unattended to, p. 51, par. 188—Requested to be communicated to the Emperor, p. 51, par. 91—Unfavourable answer, p. 52, par. 121, 122.

Trade. Difficulty of conducting it, unprotected by the Chinese Government, p. 64; par. 16—Liable to be interrupted by the caprice of the Viceroy, p. 71, par. 16; p. 83, par. 13—Would be benefited by frequent embassies to the Chinese Government, p. 71, par. 16.

Trade. See *Foreign Trade*.

U.

Urmston, Mr., p. 96, par. 6.

W.

Wabash, American ship, attacked by a party of Chinese; several seamen killed, and ship plundered; offenders punished; p. 100, par. 62.

WALKER, Captain, Attack on him in Canton: (23.) in Paper (E.) p. 121.

Assaulted in the street; complaint to Government; offenders punished; disorderly spirit-shops suppressed, p. 121, par. 4.

Water Excursions, for the amusement of the Europeans, forbidden by the Chinese authorities, p. 123, par. 45.

Whiteman, Mr., a merchant, resides with his wife at Canton, forbidden by the Chinese government, p. 19, 20, 23.

Y.

Yen-ke-Tseang, a new Hong; his Hong's name Hing Tae, p. 132, par. 7.

APPENDIX

TO THE

R E P O R T

ON THE

•

A F F A I R S

OF

THE EAST INDIA COMPANY.

III.

External and Internal Commerce of
BENGAL, MADRAS, AND BOMBAY.

Ordered, by The House of Commons, to be Printed,
11 October 1831.

L I S T.

BENGAL :

REPORT on the External and Internal Commerce of Bengal - - p. 1

MADRAS :

REPORT on the External and Internal Commerce of Madras - - p. 126

BOMBAY :

REPORT on the External and Internal Commerce of Bombay - - p. 143

INDEX - - - - - p. 165

A P P E N D I X

TO

Report on the Affairs of the East India Company.

III.

External and Internal Commerce of

BENGAL, MADRAS, AND BOMBAY.

(1.)

REPORT ON THE EXTERNAL AND INTERNAL COMMERCE
OF BENGAL,

For the Year 1828-29, that is, from 1 May 1828 to 30 April 1829.

1. THE Statement that follows exhibits the Gross Amount of the External Commerce of Bengal, for the Year 1828-29, at sicca rupees 8,91,40,258; or in British currency, at the exchange it has hitherto been usual to assume, at 11,142,532*l.* sterling: of this aggregate, Imports comprehend sicca rupees 3,70,95,106; and Exports, sicca rupees 5,20,45,152; subdivided as under:

Imports:			
S. Rs. 3,70,95,106	Of the Honourable Company's	- - -	S. Rs. 18,85,900
	Private Trade	- - -	3,52,09,206
Exports:			
S. Rs. 5,20,45,152	On account of the Honourable Company	- - -	S. Rs. 1,66,71,594
	Private Trade	- - -	3,53,73,558
S. Rs. 8,91,40,258:			

as expressed in the following; viz.

	Private Trade.	Hon. Company's Trade.	TOTAL.
Imports:			
Merchandize - - - - -	3,00,40,816	1,51,916	3,01,92,732
Treasure - - - - -	51,68,390	17,33,984	69,02,374
Total - - S. Rs.	3,52,09,206	18,85,900	3,70,95,106
Exports:			
Merchandize - - - - -	3,39,10,365	1,63,71,594	5,02,81,959
Treasure - - - - -	14,63,193	3,00,000	17,63,193
Total - - S. Rs.	3,53,73,558	1,66,71,594	5,20,45,152
GRAND TOTAL - - S. Rs.	7,05,82,764	1,85,57,494	8,91,40,258
£. Sterling - -	8,822,845	2,319,687	11,142,532

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

Imports and
Exports.

APPENDIX TO REPORT ON THE

2. The result of the year compared with that of the preceding was a gross decrease in value of sicca rupees 1,70,67,009; being, upon Imports, sicca rupees 51,04,070; and on Exports, sicca rupees 1,19,62,939, as more particularly shown in the following Statement:

	PRIVATE TRADE.			H. C. TRADE.			GRAND TOTAL.	Increase.	Decrease.
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.			
1827-28:									
Imports -	S. Rs. 2,76,49,255	S. Rs. 1,26,24,711	S. Rs. 4,02,73,966	S. Rs. 3,48,312	S. Rs. 15,76,898	S. Rs. 19,25,210	S. Rs. 4,21,99,176		
Exports -	3,89,94,428	10,22,267	4,00,16,695	2,05,32,676	34,58,720	2,39,91,396	6,40,08,091		
TOTAL	6,66,43,683	1,36,46,978	8,02,90,661	2,08,80,988	50,35,618	2,59,16,606	10,62,07,267		
1828-29:									
Imports -	3,00,40,816	51,68,390	3,52,09,206	1,51,916	17,33,984	18,85,900	3,70,95,106		
Exports -	3,39,10,365	14,63,193	3,53,73,558	1,63,71,594	3,00,000	1,66,71,594	5,20,45,152		
TOTAL	6,39,51,181	66,31,583	7,05,82,764	1,65,23,510	20,33,984	1,85,57,494	8,91,40,258		
Increase -	—								
Decrease -	26,92,502	70,15,395	97,07,897	43,57,478	30,01,634	73,59,112	1,70,67,009	-	

Decrease in External Commerce of 1828-29 - - - - 1,70,67,009

3. This Statement, separated into the two Trades of the Commerce of Bengal, shows the Honourable Company's at the comparative decrease of sicca rupees 73,59,112, and the Private, of sicca rupees 97,07,897.

HONOURABLE COMPANY'S TRADE:

Import Merchandize decrease	-	-	-	-	1,96,396
Export - ditto - increase	-	-	-	-	41,61,082

Total - - S. Rs. 43,57,478

Export Treasure decrease	-	-	-	31,58,720
Import Treasure increase	-	-	-	1,57,086

Decrease in Treasure - - - 30,01,634

Net Decrease in the Honourable Company's External Trade 73,59,112

PRIVATE TRADE:

Export Merchandize decrease	-	-	50,84,063	
Import - ditto - increase	-	-	23,91,561	
				26,92,502
Import Treasure decrease	-	-	74,56,321	
Export - ditto increase	-	-	4,40,926	
				70,15,395

Net Decrease in Private Trade - - - - 97,07,897

Net Decrease in External Commerce of 1828-29 - S. Rs. 1,70,67,009

4. The fluctuation that may be particularly noticed is in Treasure; the decrease in the value of which forms the principal part of the comparative deficiency of the year 1828-29.

5. The

5. The following affords an abstract view of the Commerce of Bengal, from the year 1820-21, comprehending a period of nine years. The Average of this Statement gives the annual value of Imports at sicca rupees 4,10,11,460; and of Exports at sicca rupees 5,94,51,684.

IMPORTS.				EXPORTS.		
YEARS.	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
1820-21	2,24,45,163	2,40,71,335	4,65,16,498	5,68,03,248	12,29,363	5,80,32,611
1821-22	2,59,03,599	2,21,49,437	4,80,53,036	5,35,53,123	1,23,96,395	6,59,49,518
1822-23	2,68,66,535	1,72,89,382	4,41,55,917	6,18,51,480	51,51,966	6,70,03,446
1823-24	2,61,98,443	1,31,69,214	3,93,67,657	5,05,45,292	1,22,53,039	6,27,98,331
1824-25	2,86,55,916	1,21,42,271	4,07,98,187	5,26,16,355	34,91,676	5,61,08,031
1825-26	2,14,98,729	1,50,58,005	3,65,56,734	5,66,39,922	1,38,704	5,67,78,626
1826-27	2,17,60,679	1,26,00,153	3,43,60,832	5,12,26,319	11,15,032	5,23,41,351
1827-28	2,79,97,567	1,42,01,609	4,21,99,176	5,95,27,104	44,80,987	6,40,08,091
1828-29	3,01,92,732	69,02,374	3,70,95,106	5,02,81,959	17,63,193	5,20,45,152
Total of 9 years, Sicca Rupees }	23,15,19,363	13,75,83,780	36,91,03,143	49,30,44,802	4,20,20,355	53,50,65,157
Average per Year	2,57,24,374	1,52,87,086	4,10,11,450	5,47,82,755	46,68,929	5,94,51,684

6. The gross value of Bullion or Treasure, imported in the year 1828-29, amounted to sicca rupees 69,02,374; of which the Honourable Company's was sicca rupees 17,33,984; and Private Importations sicca rupees 51,68,390; and which, compared with the result of the previous year, gives a decrease of sicca rupees 72,99,235; comprehended in an increase of sicca rupees 1,57,086 in the Honourable Company's Importations, and a decrease in that of the Private Trade of sicca rupees 74,56,321.

Bullion imported.

7. The Statement that follows shows that the fluctuations in the Importation of Bullion have attached chiefly to those Ports of our External Commerce from which our supplies of it were hitherto principally drawn, namely, from Portugal and the Brazils, from which there were no receipts in the year under notice. The supply from France fell short of the valued importation of the previous year, sicca rupees 4,34,730; from America, sicca rupees 1,53,228; from the Coast of Sumatra, sicca rupees 34,961; from New South Wales, by the absence of importation, sicca rupees 69,083; from the Arabian and Persian Gulfs, sicca rupees 5,75,941; from Java, sicca rupees 4,70,510; from Pegue, sicca rupees 2,96,107; from the Mauritius, sicca rupees 27,250; and from China, sicca rupees 50,37,720. The increase to counterbalance the catalogue of deficiencies is noticed in a partial augmentation of the value of bullion imported on account of the Honourable Company from the United Kingdom; in the receipts from the South-western Coast of South America; from the Coasts of Coromandel and Malabar; from Penang and Eastward; from Manilla, and from the Cape of Good Hope.

Bullion and Treasure Imports by Sea.

	1827-28.		1828-29.	
	H. C. Trade.	Private Trade.	H. C. Trade.	Private Trade.
United Kingdom - - -	- - -	73,620	2,46,414	1,687
France - - -	- - -	9,28,546	- - -	4,93,816
Portugal - - -	- - -	1,10,925	- - -	-
America - - -	- - -	17,21,217	- - -	15,67,989
Brazils - - -	- - -	10,75,000	- - -	-
South America - - -	- - -	20,250	- - -	2,10,645

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

	1827-28.		1828-29.	
	H. C. Trade.	Private Trade.	H. C. Trade.	Private Trade.
Coast of Coromandel - - -	- - -	61,877	- - -	1,31,561
Coast of Malabar - - -	- - -	150	- - -	1,12,287
Coast of Sumatra - - -	- - -	34,961	—	
New South Wales - - -	- - -	69,083	—	
Arabian and Persian Gulfs - - -	- - -	8,60,241	- - -	2,84,300
Penang and Eastward - - -	- - -	1,68,823	- - -	4,93,533
Java - - -	- - -	4,86,338	- - -	15,828
Manilla - - -	- - -	14,549	- - -	24,750
China - - -	- - -	64,18,027	- - -	13,80,307
Pegue - - -	15,76,898	5,47,354	14,87,570	3,40,575
Mauritius - - -	- - -	33,750	- - -	6,500
Cape of Good Hope - - -	- - -	- - -	- - -	4,612
TOTAL - - S. Rs.	15,76,898	1,26,24,711	17,33,984	51,68,390
Deduct - - -	- - -	51,68,390	15,76,898	—
Net - - S. Rs.	- - -	74,56,321	1,57,086	—

Decrease in Private Treasure - - - - - 74,56,321

Deduct in Honourable Company's Treasure - - - - - 1,57,086

Net Decrease in - - - S. Rs. 72,99,235

8. Of Merchandize the gross value of Imports was sicca rupees 3,01,92,732 ; of which the Honourable Company's cargoes amounted to sicca rupees 1,51,916, and the Private Trade sicca rupees 3,00,40,816, being an improvement of sicca rupees 21,95,165. Compared with the importations of the previous or year 1827-28, there was an increase of sicca rupees 23,91,561 on the value of the Private Trade, and a decrease of sicca rupees 1,96,396 on that of the Honourable Company.

Bullion
exported.

9. The aggregate of Exports during the year under consideration was sicca rupees 5,20,45,152, which, compared with the preceding year 1827-28, shows a decrease of sicca rupees 1,19,62,939.

10. The exportation of Bullion or Treasure, in the year 1828-29, amounted to sicca rupees 17,63,193, which, compared with that of the previous year, makes a deficiency of sicca rupees 27,17,794.

11. The exportation of Bullion on Private Trade amounted to sicca rupees 14,63,193, and on account of the Honourable Company to sicca rupees 3,00,000, the former at a comparative increase of sicca rupees 4,40,926, the latter at sicca rupees 31,58,720 less than the shipments of 1827-28.

12. Exportation of Bullion on account of the Honourable Company, in the year 1828-29, appears to have been only, to Penang and Eastward, to the extent of sicca rupees 3,00,000 ; the value of Treasure shipped on Private account, to the United Kingdom, was sicca rupees 12,41,443, being a surplus on the exports to the same place, and in the same account, of the year 1827-28, sicca rupees 5,34,164.

13. The increased shipment of bullion to Great Britain was superinduced by the precarious out-turn of produce in the English markets, and the failure of funds from this cause in England, which narrowed the amounts of drafts on Europe from this country. The course of the exchange of bills on London, during the year, was at 1 s. 10 $\frac{1}{2}$ d. the sicca rupee ; and rupees on shipment yielded in London a remittance of nearly 2 s. the rupee.

14. The difference between the value of Treasure imported and exported in 1828-29 is sicca rupees 51,39,181, the former surplus of the latter.

Bullion

Bullion or Treasure Exports by Sea.

III.
External
and Internal
Commerce.
(1.)
BENGAL.

	1827-28.		1828-29.	
	H. C. Trade.	Private Trade.	H. C. Trade.	Private Trade.
United Kingdom - -	34,58,720	7,06,979	- - -	12,41,443
France - - - -	- - -	13,500	- - -	-
New South Wales - -	- - -	2,250	- - -	-
Arabian and Persian Gulfs - -	- - -	1,013	- - -	-
Penang and Eastward - -	- - -	- - -	3,00,000	2,250
China - - - -	- - -	81,775	- - -	-
Mauritius - - - -	- - -	2,16,750	- - -	2,19,500
	34,58,720	10,22,267	3,00,000	14,63,193
Deduct - -	3,00,000	- - -	- - -	10,22,267
Net Sicca Rupees - -	31,58,720	- - -	- - -	4,40,926

Decrease in Honourable Company's Treasure - - -	S. Rs. 31,58,720
Deduct Increase on Private ditto - - -	4,40,926
Net Decrease in Sicca Rupees - - -	27,17,794

15. The gross value of merchandize exported in 1828-29 was sicca rupees 5,02,81,959; which, compared with the amount of the previous year, is a deficit of sicca rupees 92,45,145.

16. Of the aggregate of merchandize imported in the year under notice, the Honourable Company's trade involved sicca rupees 1,63,71,594; and the Private, sicca rupees 3,39,10,365; both comparatively less than the value of shipments in 1827-28; the former, sicca rupees 41,61,082; and the latter, sicca rupees 50,84,063.

17. The quantity of this article imported from the interior, during the season of 1828-29, was F. maunds 98,009, which, compared with the preceding year 1827-28, exhibits a deficiency of F. maunds 53,690: the average of the last four years gives the annual importation at F. maunds 121,483 $\frac{1}{2}$.

Statement of Four Years Produce :					Indigo.
1825-26 F. Maunds	-	-	-	-	156,548
1826-27	-	-	-	-	79,678
1827-28	-	-	-	-	151,699
1828-29	-	-	-	-	98,009
Total F. Maunds	-	-	-	-	485,934
Average per Year F. Maunds	-	-	-	-	121,483 $\frac{1}{2}$

18. The amount quantity of exportation, in the year under notice, was F. maunds 102,414; which, compared with the preceding year, is short by F. maunds 44,195. The exports of the year, compared with its imports, show surplus of F. maunds 4,405; but this may be accounted for by parts of the imports of one year entering into the exports of another.

19. The quantity of Indigo purchased, in the year under notice, on account of the Honourable Company, amounted to F. maunds 11,159, and in value to sicca rupees 30,66,877; being F. maunds 15,407, and sicca rupees 41,00,458, less than the provision for the year 1827-28. The prices paid by the Honourable Company, for the supply of 1828-29, average sicca rupees 274. 13. 4, which we find to have been sicca rupees 5. 0. 8. per maund below those of the preceding year.

20. The following Statement exhibits the details of the exportation; The effect of the comparative short crop, of course, chiefly affected our arrangements with Great Britain, to which the yearly surplus produce is transmitted; the range of speculation from hence to other ports is very limited.

III.
External
and Internal
Commerce.
(1.)
BENGAL.

Indigo Exported by Sea.

	1827-28.		1828-29.	
	Factory Maunds.	Value.	Factory Maunds.	Value.
Honourable C. Trade - -	26,566	71,67,335	11,159	30,66,877
Private Ditto - -	83,825	83,82,258	63,737	63,73,795
United Kingdom - -	1,10,391	1,55,49,593	74,896	94,40,672
France - - - -	22,187	22,18,756	19,067	19,06,709
Sweden - - - -	355	35,503	345	34,513
Portugal - - - -	144	14,428	—	—
America - - - -	8,487	8,48,779	4,759	4,75,899
Brazils - - - -	—	—	176	17,603
Coast of Malabar - -	177	17,704	102	10,286
Arabian and Persian Gulfs -	4,642	4,64,197	3,062	3,06,285
Penang and Eastward - -	9	888	7	675
China - - - -	97	9,726	—	—
Pegue - - - -	8	793	—	—
Mauritius - - - -	112	11,239	—	—
	146,609	1,91,71,606	102,414	1,21,92,642
Deduct - - - -	102,414	1,21,92,642		
Less in 1828-29 - - -	44,195	69,78,964		

	1827-28.			1828-29.		
	Factory Maunds.	Value.	Average Price per Maund.	Factory Maunds.	Value.	Average Price per Maund.
H. C. Trade - -	26,566	71,67,35	269. 12. 8.	11,159	30,66,877	274. 13. 4.
Private Ditto -	120,043	1,20,04,271	100. - -	91,255	91,25,765	100. - -

21. Proportioned to the shortness of the crop was its exportation to the United Kingdom. It seems to have been F. maunds 35,495 less than the quantity shipped in the preceding year; of which, as already noticed, the Honourable Company's investments partook of F. maunds 15,407, and the Private Trade, F. maunds 20,088; the provision for France was F. maunds 3,120 less than that of 1827-28; of America, or the United States, F. maunds 3,728; and the Arabian and Persian Gulfs F. maunds 1,580. Of the minor traders in the article of Indigo, Sweden is found at 10 F. maunds less than the quantity of the preceding year; Portugal, from the absence of shipments, F. maunds 144; the Coast of Malabar, F. maunds 75; Penang and Eastward, F. maunds 2; and from there having been no shipments made to China, Pegue, and the Mauritius, the comparative deficiency in their aggregate is F. maunds 217. The Brazils called for a supply of F. maunds 176, and, owing to no shipment having been made there in the previous year, stands as a solitary instance of increase in the year 1828-29.

22. There is occasionally an importation also by sea of the article; but of course to a very limited extent. Whatever is brought here becomes subsequently mixed up again with our exports. The following is a Comparative Statement of the Imports of Foreign Indigo during the years 1827-28 and 1828-29. The importation from the Mauritius consisted of Indigo, sent for sale from hence, and afterwards brought back to this Port.

Indigo

Indigo Imports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
Coast of Coromandel - - -	61	6,891	209	20,902
Coast of Malabar - - - -	-	-	115	11,530
Pegue - - - - -	12	1,205	3	289
Mauritius - - - - -	-	-	16	1,607
	73	8,096	343	34,328
	Deduct -	-	73	8,096
Excess in 1828-29 - -	-	-	270	26,232

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

23. We subjoin a Statement showing the Imports, from the Interior, of Indigo, for the last nine years, and fear, from review of it, that this branch, the most important of our trade, is carried a great deal too far, and beyond the action of real capital, so that any great reduction in the price here, or in Europe, must be productive of serious consequences to such as are engaged in it.

	F. Maunds.
1820-21 - - - - -	76,254
1821-22 - - - - -	92,848
1822-23 - - - - -	112,606
1823-24 - - - - -	80,315
1824-25 - - - - -	110,227
1825-26 - - - - -	156,548
1826-27 - - - - -	79,678
1827-28 - - - - -	151,699
1828-29 - - - - -	98,009
F. Maunds - - -	958,184

24. The importation of Raw Silk from the Interior, in the year 1828-29, amounted to B. maunds 24,528, value sicca rupees 1,01,24,577 ; being B. maunds 7,298, value sicca rupees 23,42,367, above the transactions of the preceding year.

25. The quantity exported amounted to B. maunds 19,968, value sicca rupees 95,61,172, which, compared with the shipments of the previous year, shows an increase of B. maunds 4,732, value sicca rupees 10,07,185, as per following Statement:

Raw Silk Exports by Sea.

	1827-28.		1828-29.	
	B. Maunds.	Value.	B. Maunds.	Value.
H. C. Trade - - - - -	12,538	78,63,080	13,609	78,39,654
Private ditto - - - - -	1,139	3,15,592	5,114	14,09,170
United Kingdom - - - - -	13,677	81,78,672	18,723	92,48,824
Coast of Coromandel - - - -	685	1,83,917	779	2,06,774
Coast of Malabar - - - - -	766	1,70,867	465	1,05,277
Arabian and Persian Gulfs - -	43	2,800	1	297
Mauritius - - - - -	65	17,731	—	—
	15,236	85,53,987	19,968	95,61,172
	Deduct -	-	15,236	85,53,987
Excess in 1828-29 - -	-	-	4,732	10,07,185

Raw Silk.

III.
External
and Internal
Commerce.
(1.)
BENGAL.

	1827-28.			1828-29.		
	Maunds.	Value.	Average Price per Maund.	Maunds.	Value.	Average Price per Maund.
H. C. Trade -	12,583	78,63,080	15. 9. 11.	13,609	78,39,654	14. 6. 5.
Private Individuals -	3,653	6,90,907	6. 8. 2.	6,359	17,21,518	6. 12. 3½

26. The comparison of the year 1828-29 with the preceding, shows in our shipments to Great Britain an increase of B. maunds 5,046, value sicca rupees 10,70,152; made up by an excess in the Honourable Company's Investments of B. maunds 1,071; but a reduction in value of sicca rupees 23,426, and an augmentation in the Private Trade of B. maunds 3,975, value sicca rupees 10,93,578. In the exportations to the Coast of Coromandel, there was an excess of B. maunds 94, value sicca rupees 22,857.

27. A comparative deficiency occurred in the following cases: in our shipments to the Coast of Malabar of B. maunds 301, value sicca rupees 65,590; to the Arabian and Persian Gulfs of B. maunds 42, value sicca rupees 2,503; and to the Mauritius, from the absence of exportation, of B. maunds 65, value sicca rupees 17,731.

28. In the year under consideration there was no shipment of raw silk to France, nor to Ceylon, nor Pegue, and only one maund was consigned to the Arabian and Persian Gulfs.

29. The Honourable Company's investment, for the year 1828-29, was laid in at a valuation of sicca rupees 14. 6. 5. per seer, being sicca rupees 1. 3. 6. per seer below the purchases of the previous year. This will account for the deficiency of value on the augmented exportation noticed above. The Private provision appears to have been effected at an average price of sicca rupees 12. 15. per bazar seer.

Cotton Piece Goods.

30. The Importation of this article of our manufacture from the Interior, in the year 1828-29, was 1,698,803 pieces, value sicca rupees 36,97,362, being, by comparison, pieces 173,515, and value sicca rupees 7,17,369, below that of the preceding year.

31. The total Export was pieces 828,153, value sicca rupees 21,36,004, which is a decline of pieces 179,894, value sicca rupees 6,20,164, compared with the year 1827-28, as exhibited in the following Statement:

Cotton Piece Goods Exports by Sea.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
Honourable Company's Trade	47,660	2,95,056	27,563	1,66,428
Private Trade - - -	2,994	10,627	5,063	26,582
United Kingdom - - -	50,654	3,05,683	32,626	1,93,010
Portugal - - - - -	54,002	1,39,699	20,045	60,802
America - - - - -	10,521	21,985	23,780	72,594
Brazils - - - - -	115,101	4,34,024	175,125	5,36,077
Coast of Coromandel - -	11,864	21,788	2,591	5,282
Coast of Malabar - - -	17,325	13,318	6,392	21,322
Coast of Sumatra - - -	2,816	4,651	—	—
Ceylon - - - - -	220	220	25	200
New South Wales - - -	11,816	27,124	3,118	5,498
Arabian and Persian Gulfs -	205,023	5,52,650	160,095	4,23,107
Penang and Eastward - -	140,814	3,32,156	217,144	4,22,594
Java - - - - -	160,018	3,87,834	17,019	39,031

Manilla

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
Manilla - - - -	45,121	1,07,917	—	—
China - - - -	56,912	1,42,953	75,424	1,89,812
Pegue - - - -	13,335	28,443	18,623	36,076
Maldiv Islands - - -	216	837	61	132
Mauritius - - - -	48,238	1,12,919	26,517	53,437
Cape of Good Hope - -	64,051	1,03,967	49,568	77,030
	1,008,047	27,56,168	828,153	21,36,004
Deduct - -	828,153	21,36,004		
Less in 1828-29 - -	179,894	6,20,164		

	1827-28.			1828-29.		
	Pieces.	Value.	Average Price per Piece.	Pieces.	Value.	Average Price per Piece.
H. C. Trade -	47,660	2,95,056	6. 3½	27,563	1,66,428	6. 0 7.
Private Trade -	960,387	24,61,112	2. 9½	800,590	19,69,576	2. 7. 4½

32. The results of the above are a decrease in our shipments to the following ports or places : To the United Kingdom, in the Honourable Company's investments, pieces 20,097, value sicca rupees 1,28,628 ; to Portugal, pieces 33,957, value sicca rupees 78,897 ; to the Coast of Coromandel, pieces 9,273, value sicca rupees 16,506 ; to the Coast of Malabar, pieces 10,933, value sicca rupees 9,996 ; to Sumatra, pieces 2,816, value sicca rupees 4,651 ; to Ceylon, pieces 195, value sicca rupees 20 ; to New South Wales, pieces 8,698, value sicca rupees 21,626 ; to the Arabian and Persian Gulfs, pieces 44,928, value sicca rupees 1,29,543 ; to Java, pieces 142,999, value sicca rupees 3,48,803 ; to Manilla, pieces 45,121, value sicca rupees 1,07,917 ; to the Maldiv Islands, pieces 155, value sicca rupees 705 ; to the Mauritius, pieces 21,721, value sicca rupees 59,482 ; to the Cape of Good Hope, pieces 14,483, value sicca rupees 26,937.

33. Increase has been experienced in the following : in the Private Trade to the United Kingdom, pieces 2,069, value sicca rupees 15,955 ; on Exports to America, pieces 13,259, value sicca rupees 50,609 ; to the Brazils, of pieces 60,024, value sicca rupees 1,02,053 ; to Penang and Eastward, pieces 76,330, value sicca rupees 90,438 ; to China, of pieces 18,512, value sicca rupees 46,859 ; to Pegue, pieces 5,288, value sicca rupees 7,633.

34. The trades in which the greatest falling off appears are the Honourable Company's to the United Kingdom, that with Portugal, with the Arabian and Persian Gulfs, Java, Manilla, the Mauritius, and the Cape of Good Hope.

35. We have before noticed the causes of the decline of this trade.

36. The Honourable Company's investments of Cotton Piece Goods, in the year under notice, averaged sicca rupees 6. 0. 7. per piece ; the Private Trade, sicca rupees 2. 7. 4½ per piece. The first is annas 2. 5 pie per piece below the provision price of the year 1827-28, and the other anna 1. 8. per piece.

37. The Importations of this Manufacture from the Interior, as entered at the Inland Custom-house, amounted to pieces 456,714, value sicca rupees 23,40,193, being a comparative excess in the year 1827-28 of 1,386 pieces, but a decrease in value of sicca rupees 2,85,938 : this discrepancy between quantity and value is ascribable to the importation having principally consisted of inferior goods : of it 86,500 pieces, valued at sicca rupees 8,36,833, were of the Honourable Company's investments ; the rest, or 3,70,214 pieces, value sicca rupees 15,03,360 was imported on Private account.

Silk Piece Goods.

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

38. The Exportation consisted of 393,146 pieces, value sicca rupees 20,43,864, being a decline of 14,226 pieces, value sicca rupees 4,75,042, on the result of the preceding year.

Silk Piece Goods Exports by Sea.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
H. C. Trade - - -	67,399	7,34,633	60,022	6,21,352
Private ditto - - -	86,578	5,66,541	33,327	2,12,863
United Kingdom - -	153,977	13,01,174	93,529	8,34,215
France - - - -	314	3,140	961	8,169
Sweden - - - -	-	-	80	620
Portugal - - - -	2,093	15,466	1,050	6,975
America - - - -	94,516	4,14,709	170,766	5,80,720
Brazils - - - -	221	2,002	421	3,400
South America - -	-	-	1,040	7,290
Coast of Coromandel - -	8,742	44,053	16,495	70,934
Coast of Malabar - -	88,846	4,71,444	68,878	3,60,891
Coast of Sumatra - -	1,408	5,439	-	-
Ceylon - - - -	529	2,971	-	-
New South Wales - -	1,067	7,697	1,030	7,979
Arabian and Persian Gulfs -	44,777	1,87,559	33,499	1,30,217
Penang and Eastward - -	590	2,829	954	6,360
Java - - - -	33	173	29	89
Manilla - - - -	174	1,349	-	-
China - - - -	315	2,809	274	1,947
Pegue - - - -	3,716	19,297	1,559	8,451
Maldiv Islands - - -	20	60	-	-
Mauritius - - - -	4,822	26,904	2,204	13,257
Cape of Good Hope - -	1,212	9,831	377	2,350
	407,372	25,18,906	393,146	20,43,864
Deduct - - -	393,146	20,43,864		
Less in 1828-29 - -	14,226	4,75,042		

	1827-28.			1828-29.		
	Pieces.	Value.	Average Price per Piece.	Pieces.	Value.	Average Price per Piece.
H. C. Trade -	67,399	7,34,633	10. 14. 4 $\frac{2}{3}$	60,202	6,21,352	10. 5. 1 $\frac{1}{2}$
Private ditto -	339,973	17,84,273	5. 4. -	332,944	14,22,512	4. 4. 4 $\frac{1}{2}$

39. Comparing the operations of 1827-28 and 1828-29, there was a decline on the exportations to the United Kingdom of 60,448 pieces, value sicca rupees 4,66,959: made up of 7,197 pieces, value sicca rupees 1,13,281, on account of the Honourable Company; and 53,251 pieces, value sicca rupees 3,53,678, on Private shipments; of 1,043 pieces, value sicca rupees 8,491, on shipments to Portugal; of 19,968 pieces, value sicca rupees 1,10,553, to the Coast of Malabar; of 1,408 pieces, value sicca rupees 5,439, to the Coast of Sumatra; of 529 pieces, value sicca rupees 2,971, to Ceylon; of 37 pieces, to New South Wales; 11,278 pieces, value sicca rupees 57,342, to the Arabian and Persian Gulfs; 4 pieces, value sicca rupees 84, to Java; 174 pieces, value sicca rupees 1,349, to Manilla; 41 pieces, value sicca rupees 862, to China; 2,157 pieces, value sicca rupees 10,846, to Pegue; 20 pieces, value sicca rupees 60, to the Maldiv Islands; 2,618 pieces, value sicca rupees 13,647, to the Mauritius; 835 pieces, value sicca rupees 7,481, to the Cape of Good Hope.

40. The

40. The trade in which there was an increased export, was that of 647 pieces, value sicca rupees 5,029, to France; to Sweden, of 80 pieces, value sicca rupees 620; to America, of 76,250 pieces, value sicca rupees 1,66,011; to the Brazils, of 200 pieces, value sicca rupees 1,398; to South America, (S. W. Coast of), of pieces 1,040, value sicca rupees 7,290; to the Coast of Coromandel, 7,753 pieces, value sicca rupees 26,881; and to Penang and Eastward, of pieces 364, value sicca rupees 3,531.

41. The Honourable Company's investments in Silk Piece Goods appear to have been laid in at an average of sicca rupees 10. 5. 1 ½. per piece, and the Private at sicca rupees 4. 4. 4 ⅓. per piece; the former being annas 9. 3. ¼. per piece, and the latter annas, 15. 7 ⅔. below the provision for the year 1827-28. The average price of the shipments to the United States of America was sicca rupees 3. 6 ¾. per piece.

42. The Importation of this product from the Interior, as declared at the Inland Custom-house, was Bazar maunds 532,232, value sicca rupees 43,15,256; of which the Honourable Company's investment contained B. maunds 188,252, value sicca rupees 15,31,659, and the Private Trade, B. maunds 343,980. The comparative difference in importation was in excess of B. maunds 262,200, value sicca rupees 21,77,284, in the year 1828-29.

43. The Exportation of Sugar, in the year 1828-29, amounted to B. maunds 429,723, value sicca rupees 36,66,338, which, compared with the preceding year, is an increase of B. maunds 218,034, value sicca rupees 19,10,301, as shown in the following Statement:

Sugar Exports by Sea.

	1827-28.		1828-29.	
	B. Maunds.	Value.	B. Maunds.	Value.
H. C. Trade - - - - -	109,482	9,56,854	171,466	16,09,397
Private ditto - - - - -	48,683	3,69,625	83,059	6,62,122
United Kingdom - - - - -	158,165	13,26,479	254,525	22,71,519
France - - - - -	3,258	26,075	7,462	59,750
Sweden - - - - -	5,199	41,575	15,719	1,25,708
America - - - - -	530	4,234	12,152	97,214
South America - - - - -	-	-	10,784	86,275
Coast of Coromandel - - - - -	4,429	35,531	5,328	41,843
Coast of Malabar - - - - -	12,941	1,04,437	62,524	4,93,410
Ceylon - - - - -	109	859	93	744
New South Wales - - - - -	1,028	8,228	1,468	11,006
Arabian and Persian Gulfs - - - - -	24,134	1,93,351	57,477	4,61,207
Penang and Eastward - - - - -	174	1,385	-	-
China - - - - -	21	166	35	389
Pegue - - - - -	723	5,894	597	4,773
Maldiv Islands - - - - -	267	2,127	209	1,670
Mauritius - - - - -	272	2,179	1,336	10,685
Cape of Good Hope - - - - -	439	3,517	14	145
	211,689	17,56,037	429,723	36,66,338
Deduct - - -	-	-	211,689	17,56,037
Excess in 1828-29 - - -	-	-	218,034	19,10,301

	1827-28.			1828-29.		
	Bazar Maunds.	Value.	Average Price per B. Maund.	Bazar Maunds.	Value.*	Average Price per B. Maund.
H. C. Trade -	109,482	9,56,854	8. 11. 10.	171,466	16,09,397	9. 6. 2.
Private ditto -	102,207	7,99,183	7. 13. - ½	258,257	20,56,941	7. 15. 5.

III.
External
and Internal
Commerce.

(1).
B E N G A L.

Sugar.

III.
External
and Internal
Commerce.

(1.)
BENGAL.

44. Comparing the details of the year 1828-29 with those of the preceding year, an increase in the shipments appear in the following cases: In our transactions with Great Britain, B. maunds 96,360, value sicca rupees 9,45,040; of which the Honourable Company's trade partook B. maunds 61,984, value sicca rupees 6,52,543, and the Private, B. maunds 34,376, value sicca rupees 2,92,497; in the shipments to France, B. maunds 4,204, value sicca rupees 33,675; to Sweden, B. maunds 10,520, value sicca rupees 84,133; to America, B. maunds 11,622, value sicca rupees 92,980, and to South America, B. maunds 10,784, value sicca rupees 86,275; to the Coast of Coromandel, of B. maunds 899, value sicca rupees 6,312; to the Coast of Malabar, of B. maunds 49,583, value sicca rupees 3,88,973; to New South Wales, of B. maunds 440, value sicca rupees 2,778; to the Arabian and Persian Gulfs, of B. maunds 33,343, value sicca rupees 2,67,856; to China, of B. maunds 14, value sicca rupees 223; to the Mauritius, of B. maunds 1,064, value sicca rupees 8,506.

45. A decrease occurred in the following: On exportation to Ceylon, of B. maunds 16, value sicca rupees 115; to Penang and Eastward, from the absence of shipments, of B. maunds 174, value sicca rupees 1,385; to Pegue, of B. maunds 126, value sicca rupees 1,121; to the Maldiv Islands, of B. maunds 58, value sicca rupees 457; and to the Cape, of B. maunds 425, value sicca rupees 3,372.

46. The Honourable Company's investment of Sugar appears to have been provided at the rate of sicca rupees 9. 6. 2. per maund, being annas 10. 4. per maund above the average price of the previous year: the average of Private Shipment may be assumed at 8. 8. per B. maund, but the valuation given in the Report is at the fixed price of the book of rates.

Saltpetre.

47. According to the Inland Custom-house, the quantity of Saltpetre imported from the Interior, in the year 1828-29, was F. maunds 386,233, value sicca rupees 15,90,883; of which the Honourable Company's comprised F. maunds 66,084, value sicca rupees 2,58,589, and the Private, F. maunds 320,149, value sicca rupees 13,32,294; the comparative result being an excess of F. maunds 50,379, value sicca rupees 2,76,053, in the year under consideration.

48. The Exports during the year 1828-29 were F. maunds 376,640, value sicca rupees 16,09,034, which, compared with the previous year, is an excess of F. maunds 20,110, value sicca rupees 1,21,041, as per following Statement:

Saltpetre Exports by Sea.

	1827-28.		1828-29.	
	Factory Maunds.	Value.	Factory Maunds.	Value.
H. C. Trade - - -	56,000	2,61,549	114,128	6,00,867
Private ditto - - -	221,074	8,89,382	169,759	6,40,358
United Kingdom - -	277,074	11,50,931	283,987	12,41,225
France - - - -	23,275	1,01,372	41,561	1,61,407
Portugal - - - -	936	3,858	2,116	7,517
America - - - -	29,648	1,21,626	42,336	1,72,449
Coast of Coromandel - -	212	1,050	220	979
Coast of Malabar - -	3,570	12,640	230	948
New South Wales - -	137	731	-	-
Penang and Eastward - -	3,839	17,115	1,290	4,639
Java - - - -	-	-	485	1,939
China - - - -	17,496	77,160	3,870	15,803
Pegue - - - -	27	121	37	149
Mauritius - - - -	316	1,389	508	1,979
	356,530	14,87,993	376,640	16,09,034
	Deduct - - -		356,530	14,87,993
	Excess in 1828-29 - - -		20,110	1,21,041

	1827-28.			1828-29.		
	Factory Maunds.	Value.	Average Price per F. Maund.	Factory Maunds.	Value.	Average Price per F. Maund.
H. C. Trade - -	56,000	2,61,549	4. 10. 8 $\frac{1}{2}$	114,128	6,00,867	5. 4. 3.
Private ditto - -	300,530	12,26,444	4. 1. 3 $\frac{1}{2}$	262,512	10,08,167	3. 13. 5 $\frac{1}{2}$

III.
External
and Internal
Commerce.
(1.)
BENGAL.

49. We find increased shipments over those of the preceding year to the following places; to the United Kingdom, of F. maunds 6,913, value sicca rupees 90,294; to France, of F. maunds 18,286, value sicca rupees 60,035; to Portugal, of F. maunds 1,180, value sicca rupees 3,659; to America, of F. maunds 12,688, value sicca rupees, 50,823; to the Coast of Coromandel, of F. maunds 8; to Java, of F. maunds 485, value sicca rupees 1,939; to Pegue, of F. maunds 10, value sicca rupees 28; and to the Mauritius of F. maunds 192, value sicca rupees 590.

50. There was a decrease again in our Exportations to the Coast of Malabar of F. maunds 3,340, value sicca rupees 11,692; to New South Wales, of F. maunds 137, value sicca rupees 731; to Penang and Eastward, of F. maunds 2,549, value sicca rupees, 12,476; and to China, of F. maunds 13,626, value sicca rupees 61,357.

51. Of the shipments to the United Kingdom, the Honourable Company's present a comparative increase of F. maunds 58,128, value sicca rupees 3,39,318; and the Private Trade a decrease of F. maunds 51,315, value sicca rupees 2,49,024.

52. The Honourable Company's investment of Saltpetre, for the year 1828-29, averaged sicca rupees 5. 4. 3. per F. maund, being annas 9. 6 $\frac{1}{2}$ per F. maund higher than the provision of the previous year.

53. The amount of Importation of this staple produce, in the year 1828-29, was maunds 300,056, being a decrease of quantity on the result of the preceding year by maunds 20,985.

54. Of the above quantity the Honourable Company's investments embraced maunds 206,188; and the Private Trade, maunds 93,868. The former is at a comparative decrease of maunds 7,374; and the latter, maunds 13,611.

55. Exportation during the year under notice was also equally scanty; the total of shipments having amounted to maunds 201,083, or maunds 15,001 below the quantity of the previous year.

Cotton Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
H. C. Trade - - -	13,368	2,33,679	11,644	1,55,639
Private ditto - - -	3,690	35,208	2,892	27,332
United Kingdom - - -	17,058	2,68,887	14,536	1,82,971
France - - -	732	6,088	110	913
Sweden - - -	522	4,453	1,282	10,668
Coast of Sumatra - - -	182	3,094	—	—
New South Wales - - -	-	-	29	584
Penang and Eastward - - -	-	-	97	1,011
H. C. Trade - - -	194,071	29,52,012	167,523	22,45,429
Private ditto - - -	3,519	29,328	17,506	1,46,847
China - - -	197,590	29,81,340	185,029	23,92,276
	216,084	32,62,862	201,083	25,88,423
Deduct - - -	201,083	25,88,423		
Less in 1828-29 - - -	15,001	6,74,439		

III.
External
and Internal
Commerce.
—
(1.)
B E N G A L.

	1827-28.			1828-29.		
	Maunds.	Value.	Average Price per Maund.	Maunds.	Value.	Average Price per Maund.
H. C. Trade - -	207,439	31,85,691	15. 5. 8½	179,167	24,01,068	13. 6. 5.
Private ditto - -	8,645	77,171	8. 14. 10.	21,916	1,87,355	8. 8. 9½

56. The comparative results of the foregoing are a decrease in the quantity of Exportation in our trade with Great Britain of maunds 2,522; with France, maunds 622; with the Coast of Sumatra, maunds 182; and with China, of maunds 12,561. Increase in our shipments to Sweden, maunds 760; to New South Wales, maunds 29; and to Penang and Eastward, maunds 97.

57. The quantity of Cotton exported on account of the Honourable Company, in the year 1828-29, was maunds 179,167; and in Private Trade, maunds 21,916.

58. The Honourable Company's shipments of Cotton to Great Britain was maunds 11,644, being maunds 1,724 less than the quantity of the previous year; and to China, of maunds 167,523, or maunds 26,548 below the amount of the year 1827-28.

59. Of the Cotton exported to the United Kingdom, on the Private Trade, the result of the year under notice is maunds 798 below the quantity of 1827-28; and to China, maunds 13,987 above that of the last year.

60. The Honourable Company's Cotton appears to have been provided at sicca rupees 13. 6. 5. per maund, which is sicca rupees 1. 15. 3½ per maund below the price of the previous year. The Calcutta market price for the year may be quoted at rupees 13. 8. 4. per maund.

61. The value of Cotton has not been noticed, being entered at the Custom-house at a fixed valuation of 12. 8. per maund; but assuming the market prices, the value of Exportation amounted to sicca rupees 27,18,815.

Grain.

62. The Exportation of Grain during the year under notice amounted to bazar maunds 1,408,683, being a comparative deficiency of maunds 81,138 on the quantity shipped in the previous year.

Grain Exports by Sea:

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
H. C. Trade - - -	10,000	19,366	17,023	37,878
Private ditto - - -	177,474	3,81,915	234,696	4,77,809
United Kingdom - - -	187,474	4,01,281	251,719	5,15,687
France - - - - -	1,650	2,275	29,924	49,032
Sweden - - - - -	1,100	3,015	—	—
Portugal - - - - -	4,000	7,750	4,000	10,000
America - - - - -	1,000	2,500	—	—
Coast of Coromandel - - -	72,025	1,06,183	47,203	70,785
Coast of Malabar - - -	103,552	1,66,595	106,570	1,90,951
Coast of Sumatra - - -	800	1,350	—	—
Ceylon - - - - -	1,700	3,000	4,200	6,588
New South Wales - - -	1,608	3,290	14,300	22,275
Arabian and Persian Gulfs - -	258,946	3,97,167	156,600	2,47,076
Penang and Eastward - - -	79,922	1,28,680	41,314	67,679
Java - - - - -	20,480	33,071	2,400	4,025
China - - - - -	23,369	43,579	2,850	4,075
Pegue - - - - -	180,201	2,78,687	33,802	53,728
Maldiv Islands - - -	33,225	49,300	31,700	48,300
Mauritius - - - - -	497,409	7,96,702	664,903	10,86,349
Cape of Good Hope - - -	21,360	41,712	17,198	27,885
	1,489,821	24,66,137	1,408,683	24,04,435
Deduct - - -	1,408,683	24,04,435		
Less in 1828-29 - - -	81,138	61,702		

	1827-28.			1828-29.		
	Maunds.	Value.	Average Price per Maund.	Maunds.	Value.	Average Price per Maund.
H. C. Trade -	10,000	19,366	1. 14. 11½	17,023	37,878	2. 3. 7.
Private ditto -	1,479,821	24,46,771	1. 10. 5½	1,391,660	23,66,557	1. 11. 2½

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

63. The comparative details are as follow : Increase on shipments to the United Kingdom of maunds 64,245 ; to France, of maunds 28,274 ; to the Coast of Malabar, of maunds 3,018 ; to Ceylon, of maunds 2,500 ; to New South Wales, of maunds 12,692 ; and to the Mauritius, of maunds 167,494.

64. A Decrease appears in the following cases : in our Trade with Sweden, maunds 1,100 ; with America, maunds 1,000 ; with the Coast of Coromandel, of maunds 24,822 ; with Sumatra, in the absence of exportation, maunds 800 ; with the Arabian and Persian Gulfs, 102,346 ; and Penang and Eastward, maunds 38,608 ; with Java, maunds 18,080 ; with China, maunds 20,519 ; with Pegue, maunds 146,399 ; with the Maldiv Islands, maunds 1,525 ; and with the Cape of Good Hope, maunds 4,162.

65. Of the shipments to the United Kingdom, maunds 17,023 are represented as of the Honourable Company's investment, but this was a supply for St. Helena.

66. Assuming the weight of 27 maunds to one ton of grain, the quantity exported in the year under consideration affords employment to 52,000 tons of shipping.

67. The returns of the Inland Custom-house give the Importation of Safflower, in 1828-29, at maunds 4,029, value sicca rupees 1,10,878 ; which, contrasted with the operations of the preceding year, is a deficiency of maunds 1,014, value sicca rupees 14,500.

Safflower.

68. The statement of Exports exhibits the quantity at maunds 3,040, value sicca rupees 78,843 ; which, compared with the year 1827-28, gives a decrease of maunds 2,175, value sicca rupees 51,089, on the amount of shipments.

Safflower Exports by Sea :

	1827-28.		1829-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - -	1,907	47,988	2,538	66,474
France - - - - -	3,213	79,570	230	5,517
Sweden - - - - -	37	913	—	—
Coast of Sumatra - - -	28	693	—	—
Penang and Eastward - - -	- - -	- - -	232	5,812
Java - - - - -	16	420	10	280
China - - - - -	14	348	—	—
Pegue - - - - -	- - -	- - -	30	760
	5,215	1,29,932	3,040	78,843
Deduct - - -	3,040	78,843		
Less in 1828-29 - - -	2,175	51,989		

	1827-28.			1828-29.		
	Maunds.	Value.	Average Price per Maund.	Maunds.	Value.	Average Price per Maund.
Private Trade -	5,225	1,29,932	24. 14. 7½	3,040	78,843	25. 14. 11½

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

69. An increase appears in the following shipments: to the United Kingdom, maunds 631, value sicca rupees 18,486; to Penang and Eastward, maunds 232, value sicca rupees 5,812; and to Pegue, maunds 30, value sicca rupees 760: whilst decrease occurs in our Exports, to France, maunds 2,983, value sicca rupees 74,053; to Sweden, from the absence of shipments, of maunds 37, value sicca rupees 913; to the Coast of Sumatra, from the same cause, maunds 28, value sicca rupees 693; to Java, maunds 6, value sicca rupees 140; and to China, of maunds 14, value sicca rupees 348.

70. The market value of Safflower, during the year, may be quoted at sicca rupees 27 per maund.

Lac Dye.

71. From the circumstance of this article being free of duty in transit, its importations from the interior are not entered at the Inland Custom-house.

72. The Exportations are represented, in the following Statement, at maunds 7,594, valued at sicca rupees 5,49,311; being a deficit on the shipments of the year 1827-28 of maunds 1,586, value sicca rupees 3,03,569.

Lac and Lac Dye Exports by Sea:

	1827-28.		1828 29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - -	8,377	7,74,204	7,219	5,15,429
France - - - -	772	76,055	351	31,571
America - - - -	20	1,761	24	2,311
Arabian and Persian Gulfs -	4	160	—	—
Java - - - -	7	700	—	—
	9,180	8,52,880	7,594	5,49,311
Deduct - - -	7,594	5,49,311		
Less in 1828-29 - - -	1,586	3,03,569		

	1827-28.			1828-29.		
	Maunds.	Value.	Average Price per Maund.	Maunds.	Value.	Average Price per Maund.
Private Trade -	9,180	8,52,880	92. 14. 6.	7,594	5,49,311	72. 5. 4.

73. The comparative details of the above exhibit a deficiency in our shipments to Great Britain of maunds 1,158, value sicca rupees 2,58,775; to France, of maunds 421, value sicca rupees 44,484; to the Arabian and Persian Gulfs, of maunds 4, value sicca rupees 160; and to Java, of maunds 7, value sicca rupees 700.

74. An increase occurred only on the trade with the United States of America, in which 4 maunds, value sicca rupees 550, appear to have been shipped in excess of the amount of exportation in 1827-28.

75. The price of Lac Dye, according to the Custom-house entries, averaged sicca rupees 72. 5. 4. per maund: adding to this the allowance that is usually made in valuation at the Custom-house, the price will come near to 80 rupees per maund, which may be quoted as the rateable value of Lac Dye for the year 1828-29.

Shell Lac,

76. The amount of Inland Importations of Shell Lac, for the year 1828-29, was maunds 13,571, value sicca rupees 2,11,670; which, compared with the year 1827-28, is an increase of maunds 2,854, value sicca rupees 10,326.

77. Exportations

77. Exportations for the year under notice were on the aggregate of maunds 11,440, value sicca rupees 2,07,330 ; which is an excess of maunds 1,934, value sicca rupees 35,781, compared with the previous year.

Shell Lac Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
H. C. Trade - - -	- - -	- - -	149	4,153
Private ditto - - -	5,379	99,376	8,011	1,48,447
United Kingdom - -	5,379	99,376	8,160	1,52,600
France - - -	318	6,282	189	3,774
Sweden - - -	52	232	-	-
America - - -	2,914	51,179	2,818	46,917
Coast of Coromandel - -	- - -	- - -	7	100
Coast of Malabar - -	843	14,480	62	997
Arabian and Persian Gulfs - -	- - -	- - -	96	1,196
Mauritius - - -	- - -	- - -	108	1,746
	9,506	1,71,549	11,440	2,07,330
	Deduct - -		9,506	1,71,549
	Excess in 1828-29 - -		1,934	35,781

III.

External
and Internal
Commerce.

(1.)

BENGAL.

	1827-28.			1828-29.		
	Maunds.	Value.	Average Price per Maund.	Maunds.	Value.	Average Price per Maund.
H. C. Trade - - -	- - -	- - -	- - -	149	4,153	27. 14. -
Private ditto - -	9,506	1,71,549	18. - 8½	11,291	2,03,177	17. 15. 11.

78. Comparing the details of the two years, an increase appears in our shipments to the United Kingdom of maunds 2,781, value sicca rupees 53,224 ; to the Coast of Coromandel, of B. maunds 7, value sicca rupees 100 ; to the Arabian and Persian Gulfs, of maunds 96, value sicca rupees 1,196 ; and to the Mauritius, of maunds 108, value sicca rupees 1,746 : and decrease attaches to our Exportations to France, of maunds 129, value sicca rupees 2,508 ; to Sweden, of maunds 52, value sicca rupees 232 ; to America, of maunds 96, value sicca rupees 4,262 ; and to the Coast of Malabar, maunds 781, value sicca rupees 13,483.

79. We notice a shipment of maunds 149, value sicca rupees 4,153, on account of the Honourable Company, in the year under consideration, which is, we believe, the first provision of Shell Lac that has been made on the public account.

Miscellaneous.

80. The operations of the year in respect to Shawls were more favourable than those of the previous year : the quantity imported was 2,283 pieces, value sicca rupees 2,78,332, showing a decrease of 1,711 pieces, but an increase of value by sicca rupees 1,22,515.

Shawls.

81. The Exportations exhibit the like discrepancy ; the quantity shipped was 555 pieces, value sicca rupees 84,704 ; which is a decrease of quantity, compared with the year 1827-28, of 35 pieces, and an excess of sicca rupees 17,819 in value, as shown in the following Statement :—

320. c.

D

Miscellaneous :

III.

External
and Internal
Commerce.

(1.)

BENGAL.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
United Kingdom - - -	319	41,616	436	74,982
France - - - - -	-	-	4	650
America - - - - -	3	240	-	-
Brazils - - - - -	-	-	78	4,149
Coast of Coromandel - -	14	3,680	14	1,086
Ceylon - - - - -	6	150	-	-
New South Wales - - -	51	610	1	400
Arabian and Persian Gulfs -	96	8,268	-	-
Java - - - - -	24	1,162	8	1,284
China - - - - -	17	1,777	-	-
Pegue - - - - -	1	250	3	165
Mauritius - - - - -	56	8,082	10	1,488
Cape of Good Hope - - -	3	1,050	1	500
	590	66,885	555	84,704
Deduct - - - - -	555	-	-	66,885
But Excess Value in 1828-29	40	-	-	17,819

82. An increase appears to have taken place in the following cases : in our shipments to the United Kingdom, of pieces 117, value sicca rupees 33,366 ; to France 4 pieces, value sicca rupees 650 ; and to the Brazils of 78 pieces, value sicca rupees 4,149. Decrease occurred in our trade, with America, of pieces 3, value sicca rupees 240 ; with Ceylon, of pieces 6, value sicca rupees 150 ; with New South Wales, of pieces 50, value sicca rupees 210 ; with the Arabian and Persian Gulfs, of pieces 96, value sicca rupees 8,268 ; with China, pieces 17, value sicca rupees 1,777 ; with the Mauritius, pieces 46, value sicca rupees 6,594 ; and with the Cape of Good Hope, of pieces 2, value sicca rupees 550. The shipments to the Coast of Coromandel are exhibited at the same quantity in 1828-29 as in the year preceding, but deficiency in valuation of sicca rupees 2,594 ; so the Exports to Java are 16 pieces deficient, and sicca rupees 122 in value in excess of the results of 1827-28 ; and to Pegue 2 pieces are in excess, and sicca rupees 85 deficient, on the amount of the preceding year.

83. The disagreement noticed above between quantity and value is ascribable to the fact of Imports and Exports, in the year under notice, having run on Shawls of higher value than those of 1827-28.

Castor Oil.

84. The Importation of this article in the year 1828-29, amounted to maunds^s 5,062, value sicca rupees 77,276, being an improvement on the result of the previous year by maunds 3,329, value sicca rupees 47,477.

85. The amount of Exportation was maunds 3,318, value sicca rupees 53,766, which, compared with the shipments made in the year 1827-28, is an excess of maunds 1,332, value sicca rupees 20,093, as shown in the following Statement :

Castor Oil Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - -	1,974	33,403	3,300	53,339
France - - - - -	-	-	4	144
Coast of Caromandel - -	6	153	-	-
South America - - - -	-	-	8	146
New South Wales - - -	6	117	-	-
Cape of Good Hope - - -	-	-	6	137
	1,986	33,673	3,318	53,766
Deduct - - - - -	-	-	1,986	33,673
Excess in 1828-29 - - -	-	-	1,332	20,093

86. We observe, from the above, an increase of maunds 1,326, value sicca rupees 19,936, in our shipments to Great Britain; an exportation of 4 maunds to France, of 8 maunds to the United States of America, and of 6 maunds to the Cape; at the same time, by no shipments having been made in the year under consideration, a deficiency of maunds 6 to the Coast of Coromandel, and of 6 maunds to New South Wales.

87. The trade of Castor Oil may be said to be limited to the demand for Great Britain; the shipments of it to other places having rather the character of private supplies than of commerce.

88. The Inland Importations, during the year 1828-29, amount to maunds 12,668, value sicca rupees 31,582; which, contrasted with the year preceding it, is a deficit of maunds 3,278, value sicca rupees 16,350.

89. In the comparison of Exports, there appears an increase of maunds 3,724, value sicca rupees 14,294, the amount of shipments in the year 1827-28 being maunds 13,357, value sicca rupees 43,271, as represented in the following:—

Ginger Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
H. C. Trade - - -	- - -	- - -	1,178	6,477
Private ditto - - -	4,395	13,190	3,116	9,383
United Kingdom - -	4,395	13,190	4,291	15,860
France - - - -	29	144	—	—
Sweden - - - -	60	179	50	150
America - - - -	2,755	8,264	6,975	21,107
Coast of Coromandel - -	1,113	3,351	610	1,842
Coast of Malabar - -	543	1,635	521	1,562
Ceylon - - - -	50	150	—	—
New South Wales - -	50	150	16	60
Arabian and Persian Gulfs -	603	1,809	891	2,690
Pegue - - - -	35	105	—	—
	9,633	28,977	13,357	43,271
	Deduct - - -		9,633	28,977
	Excess in 1828-29 - - -		3,724	14,294

90. An increase took place in the shipments to America of maunds 4,220, value sicca rupees 12,843, and to the Arabian and Persian Gulfs of maunds 288, value sicca rupees 881. The Exports to the United Kingdom, made up of maunds 1,178, value sicca rupees 6,477, on account of the Honourable Company, and of maunds 3,116, value sicca rupees 9,383, on account of the Private Trade, show an increase of value of sicca rupees 2,670, and a decrease of quantity of maunds 101.

91. There was a decrease in our transactions with Sweden of maunds 10, value sicca rupees 29; with the Coast of Coromandel, of maunds 503, value sicca rupees 1,509; with the Coast of Malabar, of maunds 22, value sicca rupees 73; and with New South Wales, of maunds 34, value sicca rupees 90. In the following cases the deficiency is to be accounted for by the absence of shipments in the year 1828-29; viz. to France, of maunds 29, value sicca rupees 144; to Ceylon, of maunds 50, value sicca rupees 150; and to Pegue, of maunds 35, value sicca rupees 105.

92. We noticed last year that the principal demand for Ginger is for the United Kingdom, to which the exports have been steady and continual. The first shipment to France took place in 1827-28, but it has not been repeated. The first shipment to America was made in the year 1827-28, and the increased exportation in the year under notice leads us to hope that the demand for our ginger will improve in that quarter.

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

Ginger.

Turmeric.

93. This article was subject to a great fluctuation in the year under notice. The Inland Importation amounted to B. maunds 36,232, value sicca rupees 1,33,544, being an augmentation on the result of the previous year by maunds 10,561, value sicca rupees 60,943.

94. The quantity shipped within the year amounted to B. maunds 24,985, value sicca rupees 87,637, being, on comparison with the year 1827-28, an excess of maunds 11,091, value sicca rupees 43,593.

Turmeric Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - - - -	7,789	23,883	10,228	34,363
France - - - - -	4,128	14,065	13,042	47,499
America - - - - -	1,653	5,220	993	3,220
Coast of Coromandel - - - - -	30	117	—	—
Arabian and Persian Gulfs - - - - -	294	759	—	—
Mauritius - - - - -	-	-	672	2,392
Cape of Good Hope - - - - -	-	-	50	163
	13,894	44,044	24,985	87,637
	Deduct - - -	-	13,894	44,044
Excess in 1828-29 - - -	-	-	11,091	43,593

95. The shipment of Turmeric is principally confined to Europe and America, where it obtains a demand chiefly for the purpose of dyeing. The shipment to Great Britain was maunds 2,439, value sicca rupees 10,480, in excess of the operations of the year 1827-28; to France, maunds 8,914, value sicca rupees 33,434; to the Mauritius, maunds 672, value sicca rupees 2,392; and to the Cape of Good Hope, maunds 50, value sicca rupees 163. The two last are entire shipments, none having been made in the year 1827-28 to the places mentioned. The exportations to America are B. maunds 660, value sicca 20,000, less than of the previous year; and, from the absence of shipments, the Coast of Coromandel presents a decrease of maunds 30, value sicca rupees 117; and the Arabian and Persian Gulfs, maunds 294, value sicca rupees 759.

Skins and Hides.

96. The Importation of this class of commodity from the Interior, in the year under consideration, appears to have been in value to the extent of sicca rupees 81,034, which, contrasted with the year 1827-28, is an increase of sicca rupees 5,264.

97. The Exports were also increased in a small degree; their aggregate value having been sicca rupees 73,948, which was an excess of sicca rupees 2,681 on the amount of the previous year.

Skins and Hides Exports by Sea.

	1827-28.	1828-29.
United Kingdom - - - - -	27,089	24,368
France - - - - -	255	360
Sweden - - - - -	1,852	—
America - - - - -	41,545	45,893
Coast of Malabar - - - - -	120	327
Penang and Eastward - - - - -	-	1,219
Java - - - - -	-	1,399
Pegue - - - - -	406	—
Mauritius - - - - -	-	382
	71,267	73,948
	Deduct - - -	71,267
Excess in 1828-29 - - -	-	2,681

98. The

98. The comparative details of the above are as under : An increase of sicca rupees 105, on our shipments to France; sicca rupees 4,348, to America; sicca rupees 207, to the Coast of Malabar; sicca rupees 1,219, to Penang and the Eastward; sicca rupees 1,399, to Java; and sicca rupees 382, to the Mauritius. Whilst the Exports to the United Kingdom present a decrease of sicca rupees 2,721; and, from the absence of shipments, the trade with Sweden is deficient in value sicca rupees 1,852; and with Pegue, sicca rupees 406.

99. The Returns of the Inland Custom-house do not present the Importation of this article.

100. The Export operations in Salammoniac exhibit a small fluctuation in the year 1828-29; the amount of shipments appears to be in quantity, maunds 1,551, value sicca rupees 24,898, being in excess of the previous year by maunds 788, value sicca rupees 10,614.

Salammoniac Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - - -	392	8,011	573	9,168
America - - - - -	-	-	316	5,051
Coast of Coromandel - - - -	27	516	31	502
Coast of Malabar - - - - -	96	1,794	—	—
Ceylon - - - - -	12	201	—	—
Arabian and Persian Gulfs - -	236	3,762	631	10,177
	763	14,284	1,551	24,898
	Deduct - - -		108	2,009
Excess in 1828-29 - - -			788	10,614

101. An increase is observable in our shipments to the United Kingdom, of maunds 181, value sicca rupees 1,157; to America, of maunds 316, value sicca rupees 5,051; and to the Arabian and Persian Gulfs, of maunds 395, value sicca rupees 6,415.

102. In our shipments to the Coast of Coromandel there was an increase in quantity of 4 maunds, but a decrease in value sicca rupees 14. No shipments having been made, in the year 1828-29, to the Coast of Malabar, there was a deficiency of maunds 96, value sicca rupees 1,794; and for the same reason, of maunds 12, value sicca rupees 201, in our trade with Ceylon.

103. The Importation of these articles from the Interior, in the year under review, only slightly increased in the quantity of the previous year. The Importations amount to maunds 2,532, in value sicca rupees 45,557; but in excess of 1827-28, maunds 371, value sicca rupees 4,124.

104. The range of Exportation was more varied: the aggregate of shipments was maunds 2,556, value sicca rupees 46,436; the comparative out-turn being maunds 1,570, value sicca rupees 27,969, in increase of the result of the year 1827-28, as shown in the following Statement:—

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Salammoniac.

Tinical and Borax.

III.
External
and Internal
Commerce.
(1.)
BENGAL.

Borax and Tincal Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds	Value.
United Kingdom - - -	439	8,052	1,807	31,887
America - - - - -	-	-	286	5,719
Coast of Coromandel - -	242	4,466	312	5,811
Coast of Malabar - - -	219	4,365	151	3,019
Ceylon - - - - -	20	263	—	—
Arabian and Persian Gulfs -	11	217	—	—
Mauritius - - - - -	55	1,104	—	—
	986	18,467	2,556	46,436
	Deduct - - -		154	2,930
	Excess in 1828-29 - - -		1,570	27,969

105. The fluctuations attach to the trade of the countries where the demand for Tincal and Borax is continual: our shipments to the United Kingdom exhibit an increase of maunds 1,368, value sicca rupees 23,835; to America, maunds 286, value sicca rupees 5,719; and to the Coast of Coromandel, of maunds 70, value sicca rupees 1,345.

106. The shipments to the Coast of Malabar are given at a decrease of maunds 68, value sicca rupees 1,346; and, owing to no Exportation of Tincal and Borax having been made to the following mentioned places, the deficiencies are as follows: to Ceylon, maunds 20, value sicca rupees 263; to the Arabian and Persian Gulfs, maunds 11, value sicca rupees 217; and to the Mauritius, maunds 55, value sicca rupees 1,104.

Munjeet.

107. The Importation, as passed at the Inland Custom-house, amounted to maunds 320, value sicca rupees 1,814.

108. The Exportation was maunds 2,924, value sicca rupees 17,041; being in excess of the year 1827-28, maunds 1,860, value sicca rupees 8,011, as per following Schedule:

Munjeet Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - -	939	8,601	2,924	17,041
France - - - - -	26	157	—	—
Coast of Sumatra - - -	99	272	—	—
	1,064	9,030	2,924	17,041
	Deduct - - -		1,064	9,030
	Excess in 1828-29 - - -		1,860	8,011

109. The comparative out-turn is an increase on the shipment to the United Kingdom, of maunds 1,985, value sicca rupees 8,440; and, from the absence of Exportation, a decrease in our relations with France of maunds 26, value sicca rupees 157; and with the Coast of Sumatra, of maunds 99, value sicca rupees 272.

110. The shipment of Munjeet, in the year 1828-29, was confined to Great Britain.

111. The Importations from the Interior are represented at pieces 63,455, value sicca rupees 66,058, being an improvement on the previous year of pieces 11,844, value sicca rupees 14,028.

112. The amount of Exportation is exhibited at pieces 18,775, value sicca rupees 21,462, which, contrasted with the previous year, is a deficiency in quantity of pieces 1,575, and an increase in the value of sicca rupees 3,519.

Carpets and Blankets Exports by Sea.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
H. C. Trade - - -	- - -	- - -	113	5,970
Private ditto - - -	782	1,258	180	297
United Kingdom - -	782	1,258	293	6,267
America - - - -	19	197	—	—
South America - - -	- - -	- - -	275	206
Coast of Coromandel - -	12	360	—	—
Coast of Malabar - -	60	350	—	—
New South Wales - -	170	590	1,470	1,670
Arabian and Persian Gulfs -	27	263	202	653
Pegue - - - -	153	350	265	463
Mauritius - - - -	19,127	14,575	14,270	10,695
Cape of Good Hope - -	- - -	- - -	2,000	1,508
	20,350	17,943	18,755	21,462
Deduct - - -	18,775	- - -	- - -	17,942
But Excess in Value in 1828-29	1,675	- - -	- - -	3,519

113. The comparative result of the above statement is a decrease of 489 pieces in our shipments to the United Kingdom, but an increase of value by sicca rupees 5,009; an increase of maunds 275, value sicca rupees 206, on our Exports to South America; to New South Wales, of pieces 1,300, value sicca rupees 1,080; to the Arabian and Persian Gulfs, of pieces 175, value sicca rupees 390; to Pegue, of pieces 112, value sicca rupees 113; and to the Cape of Good Hope, pieces 2,000, value sicca rupees 1,508.

114. Decrease has occurred in the following cases: to America, of pieces 19, value sicca rupees 197; to the Coast of Coromandel of pieces 12, value sicca rupees 360; to the Coast of Malabar of pieces 60, value sicca rupees 350; and to the Mauritius of pieces 4,857, value sicca rupees 3,880.

115. The Importations from the Interior are represented at 5,016,114 pieces, value sicca rupees 3,18,211, being a decrease on the out-turn of the previous year by 15,019 pieces, value sicca rupees 8,525.

116. The statement of Exportations exhibits an improvement, in the year 1827-28, of 1,476,879 pieces, value sicca rupees 44,785; the amount of shipments in 1828-29 being 3,335,587 pieces, value sicca rupees 2,16,735.

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

Carpets
and Blankets.

Gunnies and
Gunny Bags.

III.

External and Internal Commerce.

(1.)

BENGAL.

Gunnies and Gunny Bags Exports by Sea.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
United Kingdom - - -	7,250	360	260,700	15,990
France - - - - -	24,250	3,281	15,000	800
Portugal - - - - -	15,000	2,250	25,800	1,326
America - - - - -	22,608	2,325	81,900	4,516
South America - - -	-	-	30,000	2,640
Coast of Coromandel - -	28,075	2,577	69,875	5,216
H. C. Trade - - -	175,000	39,053	—	—
Private ditto - - -	836,150	51,310	—	—
Coast of Malabar - - -	1,011,150	90,363	2,252,435	1,43,378
Coast of Sumatra - - -	14,900	1,755	—	—
Ceylon - - - - -	56,100	2,526	35,000	3,361
New South Wales - - -	10,000	1,196	1,742	185
Penang and Eastward - -	192,600	16,408	259,385	15,209
Java - - - - -	358,700	40,967	104,400	9,425
Manilla - - - - -	1,000	130	—	—
China - - - - -	84,075	5,428	142,950	10,764
Pegue - - - - -	-	-	20,300	1,487
Mauritius - - - - -	26,000	1,554	31,100	2,238
Cape of Good Hope - - -	7,000	880	5,000	200
	1,858,708	1,72,000	3,335,587	2,16,735
Deduct - - -			1,858,708	1,72,000
Excess in 1828-29 - - -			1,476,879	44,735

117. The comparative results of the foregoing exhibit an increase on the shipments made to the United Kingdom of pieces 253,450, value sicca rupees 15,630; to America, of pieces 59,292, value sicca rupees 2,191; to South America, 30,000 pieces, value sicca rupees 2,640; to the Coast of Coromandel, of pieces 41,800, value sicca rupees 2,639; to the Coast of Malabar, of pieces 1,241,285, value sicca rupees 53,015; to China, of pieces 58,875, value sicca rupees 5,336; to Pegue, of pieces 20,300, value sicca rupees 1,487; to the Mauritius, of pieces 5,100, value sicca rupees 684.

118. The shipments to Portugal present an increase in quantity of pieces 10,800, but a deficiency in value of sicca rupees 924; to Ceylon, an advance in value of sicca rupees 835, but a deficiency in quantity of pieces 21,100; and to Penang and Eastward, an increase in quantity of 66,785 pieces, but a decrease in value of sicca rupees 1,199.

119. Decrease has been met in the following cases : on exports to France, of 9,250 pieces, value sicca rupees 2,481; to the Coast of Sumatra, of pieces 14,900, value sicca rupees 1,755; to New South Wales, of pieces 8,258, value sicca rupees 1,011; to Java, pieces 2,54,300, value sicca rupees 31,542; to Manilla, pieces 1,000, value sicca rupees 130; and to the Cape of Good Hope, of pieces 2,000, value sicca rupees 680.

120. Adding to the above quantity the Gunnies which have accompanied the shipments of Grain, at the rate of one piece per maund of Grain, the total of Gunnies exported, in the year under consideration, will be found to have been 4,744,270 pieces ; and, at 700 pieces to one ton, the extent of tonnage employed in their conveyance was 6,777.

Soap.

121. The Inland Importation of this article was B. maunds 1,010, value sicca rupees 10,572, during the year under review.

122. The Exportations exhibit a trifling fluctuation; the amount of shipments being maunds 1,116, value sicca rupees 10,696; or maunds 415, value sicca rupees 3,810, in excess of the year 1828-29.

Soap

Soap Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - -	- - -	- - -	180	1,761
France - - - - -	- - -	- - -	15	100
Coast of Coromandel - -	10	117	—	—
New South Wales - - -	105	1,050	—	—
Arabian and Persian Gulfs - -	- - -	- - -	35	363
Penang and Eastward - -	125	1,244	533	5,111
Java - - - - -	305	2,943	200	1,850
China - - - - -	91	880	64	625
Pegue - - - - -	65	652	89	886
	701	6,886	1,116	10,696
	Deduct - - -		701	6,886
	Excess in 1828-29 - - -		415	3,810

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

123. An increase appears on our shipments, to the United Kingdom of maunds 180, value sicca rupees 1,761; to France, of maunds 15, value sicca rupees 100; to the Arabian and Persian Gulfs, of maunds 35, value sicca rupees 363; to Penang and Eastward, of maunds 408, value sicca rupees 3,867; and to Pegue, of maunds 24, value sicca rupees 234.

124. Decrease occurred in the following shipments: to the Coast of Coromandel, of maunds 10, value sicca rupees 117; to New South Wales, of maunds 105, value sicca rupees 1,050; to Java, maunds 105, value sicca rupees 1,093; and to China, of maunds 27, value sicca rupees 255.

125. The Importation of this staple, from the Interior, augmented considerably in the year under consideration, the quantity having been maunds 187,170, value sicca rupees 9,35,850, showing an excess on the previous year of maunds 59,304, value sicca rupees 2,96,385.

126. The Exports also present an increase throughout our shipments, the total of exportation being maunds 1,578, value sicca rupees 7,958, or an excess of maunds 995, value sicca rupees 6,349, on the amount of the year 1828-29, as per Statement:

Tobacco Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - -	52	149	59	689
Coast of Coromandel - -	- - -	- - -	40	198
Coast of Malabar - - -	31	155	230	1,153
New South Wales - - -	- - -	- - -	22	110
Arabian and Persian Gulfs -	101	301	186	980
Penang and Eastward - -	40	128	569	2,711
Pegue - - - - -	379	868	436	1,831
Maldiv Islands - - -	- - -	- - -	24	118
Mauritius - - - - -	- - -	- - -	32	160
	603	1,601	1,598	7,950
	Deduct - - -		603	1,601
	Excess in 1828-29 - - -		995	6,349

Tobacco.

III.

External
and Internal
Commerce.

(1.)

BENGAL.

Putchuck.

127. The comparative details of the foregoing are an increase on the shipments to Great Britain of maunds 7, value sicca rupees 540; to the Coast of Coromandel, of maunds 40, value sicca rupees 198; to the Coast of Malabar, of maunds 199, value sicca rupees 998; to New South Wales, of maunds 22, value sicca rupees 110; to the Arabian and Persian Gulfs, of maunds 85, value sicca rupees 679; to Penang and the Eastward, of maunds 529, value sicca rupees 2,583; to Pegue, of maunds 57, value sicca rupees 963; to the Maldiv Islands, of maunds 24, value sicca rupees 118; and to the Mauritius, of maunds 32, value sicca rupees 160.

128. The Importation of this commodity, from the Interior, is not noticed.

129. In Exports there appeared an excess on the out-turn of the previous year by maunds 349, value sicca rupees 2,741, the amount of shipments in 1828-29 being maunds 1,915, value sicca rupees 22,786.

Putchuck Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
Coast of Coromandel - - - -	43	522	—	—
Coast of Malabar - - - -	94	1,133	—	—
Arabian and Persian Gulfs - - - -	22	263	—	—
Penang and Eastward - - - -	13	157	29	345
China - - - -	1,385	17,862	1,886	22,441
Pegue - - - -	9	108	—	—
	1,566	20,045	1,915	22,786
Deduct - - -			1,566	20,045
Excess in 1828-29 - -			349	2,741

130. The exportations have been confined to Penang and the Eastward, and to China; the result, as regards the former, is an increase of maunds 16, value sicca rupees 188, and the latter of maunds 501, value sicca rupees 4,579.

131. No shipments of Putchuck were made, in the year under notice, to the Coast of Coromandel, the Coast of Malabar, the Arabian or Persian Gulfs, or to Pegue.

Gums.

132. The Inland Importations are given at maunds 2,500, value sicca rupees 14,606.

133. The Exportations, in the year under notice, amount to maunds 1,249, value sicca rupees 12,605, being a deficiency of maunds 2,889, value sicca rupees 24,621, on the result of the year 1827-28.

Gums Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - - -	2,661	22,358	445	4,565
France - - - -	511	5,403	173	1,542
America - - - -	915	8,956	593	6,133
Coast of Coromandel - - - -	51	509	—	—
Mauritius - - - -	-	-	38	365
	4,138	37,226	1,249	12,605
Deduct - - -	1,249	12,605		
Less in 1828-29 - -	2,889	24,621		

134. The comparative details of the above are a deficiency in our shipments to the United Kingdom of maunds 2,216, value sicca rupees 17,793 ; to France, maunds 338, value sicca rupees 3,861 ; to America, of maunds 322, value sicca rupees 2,823 ; and to the Coast of Coromandel, of maunds 51, value sicca rupees 509. The exportations to the Mauritius alone show an increase, being maunds 38, value sicca rupees 365, above that of the year 1827-28.

135. This article, like others which are allowed free importation from the Interior, has no entry at the Inland Custom-house.

136. In Exportation the demand appears to have considerably declined. The quantity of shipment, in the year 1828-29, has been 2,253 bolts, value sicca rupees 17,900, being a comparative deficiency of bolts 3,734, value sicca rupees 51,066, as illustrated in the following :

Canvas Exports by Sea.

	1827-28.		1828-29.	
	Pieces.	Value.	Pieces.	Value.
United Kingdom - - - -	- -	- -	419	3,992
Coast of Coromandel - - -	1,778	21,582	70	640
Coast of Malabar - - - -	488	3,721	732	5,318
New South Wales - - - -	1,068	11,283	150	1,500
Arabian and Persian Gulfs - -	- -	- -	12	120
Penang and Eastward - - -	985	10,941	665	4,860
Java - - - - -	825	11,607	85	510
Manilla - - - - -	100	1,800	—	—
China - - - - -	268	2,880	—	—
Pegue - - - - -	58	1,198	—	—
Mauritius - - - - -	243	2,214	100	800
Cape of Good Hope - - - -	174	1,740	20	160
	5,987	68,966	2,253	17,900
Deduct - - -	2,253	17,900		
Less in 1828-29 - -	3,734	51,066		

137. The operations of the year under consideration were very confined ; the shipments to Great Britain (properly to St. Helena), were 419 bolts, value sicca rupees 3,992, above the amount of the previous year ; to the Coast of Malabar, bolts 244, value sicca rupees 1,597 ; to the Arabian and Persian Gulfs, 12 bolts, value sicca rupees 120. The comparative deficiencies of the year occur in shipments to the Coast of Coromandel of 1,708 bolts, value sicca rupees 20,942 ; to New South Wales, of 918 bolts, value sicca rupees 9,783 ; to Penang and Eastward, 320 bolts, value sicca rupees 6,081 ; to Java, 740 bolts, value sicca rupees 11,097 ; to the Mauritius, of 143 bolts, value sicca rupees 1,414 ; and to the Cape of Good Hope, of 154 bolts, value sicca rupees 1,580 ; the diminution being augmented by the absence of exportation to the following places ; viz. to Manilla, of bolts 100, value sicca rupees 1,800 ; to China, of bolts 268, value sicca rupees 2,880 ; and to Pegue, of bolts 58, value sicca rupees 1,198.

138. Are exempted from registry on Inland Importation, the transit being free of duty.

139. The Exportations of the year amounted to maunds 19,478, value sicca rupees 1,06,750, being a comparative excess, in the year 1827-28, of maunds 3,784, value sicca rupees 8,217, as per Statement that follows:—

III.
External
and Internal
Commerce.
(1.)
BENGAL.
Canvas.

Hemp, Flax and
Twine.

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Hemp, Flax and Twine Exports by Sea.

	1827-28.		1828-29.	
	Maunds.	Value.	Maunds.	Value.
United Kingdom - - - - -	11,833	52,300	14,990	60,248
France - - - - -	47	405	—	—
Portugal - - - - -	—	—	140	1,880
America - - - - -	2,245	28,047	1,994	24,044
Brazils - - - - -	—	—	80	1,120
Coast of Coromandel - - - - -	269	2,828	56	434
Coast of Malabar - - - - -	188	2,021	427	3,287
Ceylon - - - - -	41	386	21	291
New South Wales - - - - -	83	1,219	29	114
Arabian and Persian Gulfs - - - - -	39	312	49	477
Penang and Eastward - - - - -	48	691	110	888
Manilla - - - - -	11	150	—	—
Pegue - - - - -	132	1,496	26	278
Mauritius - - - - -	529	7,541	1,437	12,710
Cape of Good Hope - - - - -	229	1,146	119	988
	15,694	98,542	19,478	1,06,759
	Deduct - - -		15,694	98,542
	Excess in 1828-29 - - -		3,784	8,217

140. The details, contrasted with those of the previous year, present an increase on the operations to Great Britain, of maunds 3,157, value sicca rupees 7,948; to Portugal, of maunds 140, value sicca rupees 1,880; to the Brazils, of 80 maunds, value sicca rupees 1,120; to the Coast of Malabar, of maunds 239, value sicca rupees 1,266; to the Arabian and Persian Gulfs, of maunds 10, value sicca rupees 165; to Penang and Eastward, of maunds 62, value sicca rupees 197; and to the Mauritius, of maunds 908, value sicca rupees 5,169. These advantages having been partially counteracted by deficiency in the amount of our shipments to America, of maunds 251, value sicca rupees 4,003; to the Coast of Coromandel, maunds 213, value sicca rupees 2,394; to Ceylon, of maunds 20, value sicca rupees 95; to New South Wales, of maunds 54, value sicca rupees 1,105; to Pegue, of maunds 106, value sicca rupees 1,218; and to the Cape of Good Hope, of maunds 110, value sicca rupees 158; also by no exportations having been made in the following cases: to France, of maunds 47, value sicca rupees 405; and to Manilla, of maunds 11, value sicca rupees 150.

Rum.

141. There appears to have been no shipment of this commodity within the year under consideration; the comparative result is consequently a deficiency equal to the extent of the exportations of the year 1827-28, which is 7,290 gallons, value sicca rupees 8,397; small shipments of rum, however, as stores for vessels, have taken place; but these petty supplies, under a recent regulation of the Custom-house, are not entered upon the Trade Registers. No exportation was effected under commercial objects.

Bengal Rum Exports by Sea.

	1827-28.		1828-29.	
	Gallons.	Value.	Gallons.	Value.
New South Wales - - - - -	2,137	2,404	—	—
Java - - - - -	1,081	1,356	—	—
China - - - - -	1,058	1,058	—	—
Pegue - - - - -	3,014	3,579	—	—
All Decrease.	7,290	8,397	—	—

142. The Inland Importation of this drug is given at 7,709 chests, value sicca rupees 1,06,35,134 ; which, contrasted with the entry for the previous year, shows an increase in the quantity by 1,359 chests, and a reduction in value of sicca rupees 70,106.

Opium.

143. The aggregate of Exportation is 6,554 chests, value sicca rupees 90,18,536, or a deficiency on the amount of the previous year by 1,349 chests, value sicca rupees 30,88,265, as represented in the following Statement :

Opium Exports by Sea.

	1827-28.		1828-29.	
	Chests.	Value.	Chests.	Value.
Coast of Sumatra - - - - -	23	31,730	—	—
Penang and Eastward - - - - -	325	5,30,326	1,582	20,37,290
Java - - - - -	195	2,49,175	62	1,03,715
Manilla - - - - -	18	31,865	—	—
China - - - - -	7,341	1,12,62,475	4,903	68,68,251
Pegue - - - - -	1	1,230	7	9,280
	7,903	1,21,06,801	6,554	90,18,536
Deduct - - - - -	6,554	90,18,536		
Less in 1828-29 - - - - -	1,394	30,88,265		

	1828-29.		
	Chests.	Value.	Average Price per Chest.
Patna Opium - - - - -	4,817	66,90,346	1,390. 12. 4.
Benares Ditto - - - - -	1,737	23,19,190	1,335. 2. 9.

144. The details of the foregoing are a deficiency on the exports to Java, of 133 chests, value sicca rupees 1,45,460 ; and to China, of chests 2,438, value sicca rupees 1,03,94,224 ; and from no apparent shipments, a decrease equal to exportations of the previous year in the trade with the Coast of Sumatra of 23 chests, value sicca rupees 31,730 ; and with Manilla, of chests 18, value sicca rupees 31,865. Increase is presented on our shipments to Penang and Eastward of chests 1,257, value sicca rupees 15,06,964 ; and to Pegue of 6 chests, value sicca rupees 8,050.

145. The sales of the year under consideration were 7,409 chests, value sicca rupees 92,61,030, comprehending 5,287 chests of Patna, value sicca rupees 67,23,340 ; and Benares, 2,122 chests, value sicca rupees 25,37,690 ; the average price of the first being at sicca rupees 1,271. 10. 9 ½ per chest, and of the latter, at sicca rupees 1,195. 14. 4. per chest.

146. THE year under review does not appear to have been marked by any very extraordinary circumstances. The cultivation of Indigo continued to be the principal object for the investment of capital, and to have been preferred as the medium of remittances to Europe, notwithstanding the production had been carried beyond the usual annual average.

General
Observations.
Indigo.

147. The speculations in Raw Silk were increased ; but we have learnt that the remittances which were made in this article have greatly disappointed expectation.

Raw Silk.

148. We have represented the trade in Cotton Piece Goods as much reduced, and declining in the scale of our External Commerce ; and that the exportation of the article is opposed by the markets abroad being possessed by British manufacture. We are anxious to see the completion of the project of establishing machinery in India for the purpose of spinning and weaving.

Cotton Piece Goods.

Silk Piece Goods.

149. We conceive that future operations in this article will be still greatly reduced. The principal demand for Silk Piece Goods is for Europe; and our exports of it thither has been yearly declining; the silks required for America are of smaller dimensions than those of Europe, and of an inferior quality. The corahs, or unbleached and unprinted silks, have of late formed the principal export demand for Europe.

Sugar.

150. This important staple has lately attracted considerable attention, and very expensive and extensive undertakings are, we understand, contemplated in it.

Saltpetre.

151. The principal demand for this product is in Europe and America. The many uses to which it is now applied in Europe has given it a character in our trade which it did not formerly possess; and as no part of the world is capable of producing it at a cheaper price than the East Indies, or properly Hindoostan, it is one of the principal articles of our trade. At the present moment, when the Tariff of the United States has so greatly diminished the number of exportable commodities to America, when the high price of Indigo almost forbids the shipment of it from hence to the States, Saltpetre forms the link of our commerce with America, and its cheapness affords employment to a vast proportion of the tonnage engaged between Europe and India. The quantity exported in the year under notice was F. maunds 376,640, and the average of the last five years is F. maunds 320,394.

1824-25	F. maunds -	-	232,765
1825-26	— -	-	320,363
1826-27	— -	-	315,672
1827-28	— -	-	356,530
1828-29	— -	-	376,640
			1,601,970
F. maunds - - -			320,394

Cotton.

152. This most valuable and important article has been, for a series of years past, declining in the scale of our external trade. Its principal demand is in Great Britain and in China. In the first, it is successfully opposed by the American product; in the last, local production, nearly to the extent of the demand for it, with the almost desire of China Cotton fabrics in Europe, has diminished the want of it. From the soil and climate of India being generally favourable to the growth of Cotton, it is to be lamented that greater attention is not paid to its production.

Grain.

153. The least in value, but the most important branch of our external and internal trade, competing with Sugar and Saltpetre as dead weight to the shipping engaged in the Europe trade, it promises to sustain a steady position in it. The culture of Rice has of late been successfully extended on the Coast of Coromandel and Malabar, which accounts for the comparative deficiency in the exports thither; their proximity to Ceylon, and the Arabian and Persian Gulfs, will occasion supplies from thence, and create a proportionate diminution in our exports; but the abandonment of almost all other agricultural productions at the Mauritius in favour of Sugar, will considerably augment the demand for Rice, for the use of the Colony. The shipments of Grain to Pegue and Penang are chiefly commissariat supplies. We have already observed that the Grain shipped, in the year under consideration, equalled 52,000 tons of shipping.

Safflower.

154. In our Report of the past year we stated that this article was not likely to improve in our commerce with Europe, where its value is best appreciated, and where the demand for it principally exists; and our returns for the present year justify the remark; the exportation to France being greatly diminished in the year under consideration. It is probable that a reduction in the first cost may generally increase the consumption of Safflower; and it is believed that the Sunderbund lands are favourable to the growth and production of it.

Lac Dye and
Shell Lac.

155. The increased demand in Europe and America for Shell Lac has drawn considerable attention to this product. From its cheapness, it affords a safe medium of remittance to Europe, particularly to England; and so long as the price is kept within moderate bounds, it will continue, we imagine, to be an object of inquiry.

Miscellanea.

156. Of this classification, the following claim consideration:

Tobacco.

157. Considerable attention has of late been given by Government to the agricultural condition of India, and to the means of improving its productions. Tobacco, as one of the principal staples, has not been overlooked; and it is to be hoped that before long it may rank amongst exportable commodities.

158. These

158. These are products of great and general utility ; and their improvement, if it could be effected without enhancing the present cost of production, would be of very general benefit. Hemp, Flax and Twine.

159. There has been a total suspension of the export of this article during the year 1828-29. The principal demand for it was in New South Wales ; but the heavy duty there laid upon it is known to have operated as an entire prohibition. Rum.

160. The gross value of Exports, in the year under consideration, was sicca rupees 5,20,45,142 ; of which amount, Merchandize involves sicca rupees 5,02,81,959, and Treasure, sicca rupees 17,63,193, as exemplified in the following Statement :

ABSTRACT STATEMENT of EXPORTS from Calcutta, in the year 1828-29.

Cotton Piece Goods	- - - - -	<i>pieces</i>	828,153	21,36,004
Silk Piece Goods	- - - - -	—	393,146	20,43,864
Shawls	- - - - -	—	555	84,704
Indigo	- - - - -	<i>maunds</i>	102,414	1,21,92,642
Sugar	- - - - -	—	429,723	36,66,338
Silk	- - - - -	—	19,968	95,61,172
Grain	- - - - -	—	1,408,683	24,04,435
Behar Opium	- - - - -	<i>chests</i>	4,817	66,99,346
Benares ditto	- - - - -	—	1,737	23,19,190
Saltpetre	- - - - -	<i>maunds</i>	376,640	16,09,034
Gums	- - - - -	—	1,249	12,605
Cotton	- - - - -	—	201,083	25,88,423
Gunny and Gunny Bags	- - - - -	<i>pieces</i>	3,335,587	2,16,735
Lac Dye	- - - - -	<i>maunds</i>	7,594	5,49,311
Shell Lac	- - - - -	—	11,440	2,07,330
Turmeric	- - - - -	—	24,985	87,637
Castor Oil	- - - - -	—	3,318	53,766
Safflower	- - - - -	—	3,040	78,843
Skins and Hides	- - - - -	-	-	73,948
Ginger	- - - - -	<i>maunds</i>	13,357	43,271
Salammoniac	- - - - -	—	1,551	24,898
Borax and Tincal	- - - - -	—	2,556	46,436
Canvas	- - - - -	<i>bolts</i>	2,253	17,900
Soap	- - - - -	<i>maunds</i>	1,116	10,696
Hemp, Flax and Twine	- - - - -	—	19,478	1,06,759
Munjeet	- - - - -	—	2,924	17,041
Carpets and Blankets	- - - - -	<i>pieces</i>	18,775	21,462
Tobacco	- - - - -	<i>maunds</i>	1,598	7,950
Putchuck	- - - - -	—	1,915	22,786
Country Sundries	- - - - -	-	-	5,37,002
				4,74,41,528
Re-exported - - -				28,40,431
				5,02,81,959
Treasure - - -				17,63,193
				5,20,45,152

161. But if the true market value of Indigo and Raw Silk be taken, and an increase of five per cent. on the aggregate of all other goods be assumed, to bring the amount to market standard, the total of Exports will appear as under :

Aggregate value of Goods exported	- - - - -	5,02,81,959
Indigo, on maunds 91,255, at difference between 100 per maund and market value, say at 130 per maund, which allows for inferior qualities	- - - - -	1,18,63,150
Raw Silk, on maunds 6,359, difference between 6. 12. 3½ rupees per seer, and 10. 8. 3½ per seer, at 3 rupees 12 annas per seer	- - - - -	9,53,850
Value of Exports (less Indigo and Raw Silk), rupees 2,85,28,145, at five per cent.	- - - - -	14,26,407
Amount of Merchandize	- - - - -	6,45,25,366
Treasure Exported	- - - - -	17,63,193
Amount of Exports - - - Sicca Rupees	- - - - -	16,62,88,559

III.
External
and Internal
Commerce.
(1.)
B E N G A L.
Tonnage.

162. The amount of Tonnage employed, during the year under consideration, was, in arrivals, 433 ships or vessels, containing 141,981 tons; and in departures, 433 vessels, or tons 139,205; the former exhibiting, as compared with the year 1827-28, a decrease by 253 vessels, or tons 33,036, and the latter a diminishment by 259 vessels, or tons 39,028.

163. The principal fluctuations in the arrivals occur in vessels from Great Britain, wherein 17 vessels have been less than of the previous year, with an increase of tonnage of 3,263 tons. The arrivals from France have been of 9 vessels, containing 2,417 tons; and of American, one vessel and 738 tons, in excess of the previous year. The deficiencies are, of Swedish, 2 vessels, tons 127; of Dutch, 1 vessel, of 568 tons; of Arabs, 6 vessels, of 2,139 tons; and of Dhonies of the Coasting Trade, 232 vessels, tons 34,800. The absence of arrivals of Portuguese and Spanish ships has occasioned a deficiency of 4 vessels, of 1,500 tons, in the first; and of one vessel, of 320 tons, in the latter.

164. In departures, the following comparative changes are noticed: Increase in French vessels of 9, equal to 3,207 tons; of Swedish, 2 vessels, tons 410; and of American, tons 316. The deficiencies are as follow: to the United Kingdom, of vessels 25, tons 3,864; of Portuguese, 2 vessels, tons 875; of Spanish, (from the absence of departures), 1 vessel, of 320 tons; of Dutch, 2 vessels, tons 636; of Arabs, 8 vessels, of tons 2,466; and of Dhonies 232, of tons 34,800.

165. Of the Tonnage that was engaged in the Trade with Great Britain, in the year under consideration, the Honourable Company's regular and chartered ships from Great Britain involve 22 ships, or tons 21,565; and the Private, from Great Britain, 84 ships, or tons 35,739, in arrivals. In departures, the Tonnage that is presented is made up of 12 ships, or tons 9,824 of the Honourable Company's from Great Britain; and 75 ships or vessels, or tons 82,787 of the Private Trade, for the same place.

166. The diminution in the number of Dhonies for the past year is indicative of the decline of the coasting trade. The intermediate ports and places on the Coromandel Coast, are now more immediately supplied with Europe articles from Madras, which will obviate the necessity of visiting this place for supplies.

167. The rates of Tonnage to England, for the year 1828-29, may be quoted at 3*l.* per ton for dead weight, and 5*l.* 10*s.* for light goods. Tonnage to France was maintained at 200 francs per ton.

168. The statement of Tonnage, for the year 1828-29, is as under:

Comparative Statement of Ships and Tonnage, to and from Calcutta, for
1827-28 and 1828-29.

ARRIVALS:				1827-28.		1828-29.	
				Ships.	Tons.	Ships.	Tons.
Under British Colours	-	-	-	251	97,882	234	101,145
— French	—	-	-	25	8,147	34	10,564
— Swedish	—	-	-	3	595	1	468
— Portuguese	—	-	-	4	1,500	—	—
— Spanish	—	-	-	1	320	—	—
— Dutch	—	-	-	3	1,028	2	460
— American	—	-	-	10	2,788	11	3,526
— Arab	—	-	-	19	7,257	13	5,118
— Dhonies	—	-	-	370	55,500	138	20,700
				686	175,017	433	141,981
Deduct	-	-	-	433	141,981		
Net Decrease in 1828-29	-	-	-	253	33,036		

DEPARTURES:

DEPARTURES :				1827-28.		1828-29.	
				Ships.	Tons.	Ships.	Tons.
Under British Colours	-	-	-	255	100,236	230	96,372
— French	—	-	-	25	7,798	34	11,005
— Swedish	—	-	-	1	335	3	745
— Portuguese	—	-	-	3	1,275	1	400
— Spanish	—	-	-	1	320	—	—
— Dutch	—	-	-	4	1,096	2	460
— American	—	-	-	11	3,254	11	3,570
— Arabs	—	-	-	22	8,419	14	5,953
— Dhonies	—	-	-	370	55,500	138	20,700
				692	1,78,233	433	139,205
	Deduct	-	-	433	1,39,205		
Net Decrease in 1828-29	-	-	-	259	39,028		

III.
 External
 and Internal
 Commerce.
 —
 (1.)
 B E N G A L.

EUROPE.

169. The value of our commerce with Europe, in the year 1828-29, amounted to sicca rupees 5,47,71,820 ; comprehending Imports at sicca rupees 2,50,90,051, and Exports at sicca rupees 2,96,81,769 ; the former, or Imports, exceeding those of the year 1827-28 by sicca rupees 33,60,762, and the latter deficient sicca rupees 78,89,357. The comparative difference between the aggregate valuation of the two years being a decline of sicca rupees 45,28,595 in the year 1828-29, as more fully illustrated in the following Schedules :

Europe.

EUROPE.

	I M P O R T S.			E X P O R T S.			GRAND TOTAL.
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.	
1827-28 :							
Great Britain -	1,89,91,756	73,620	1,90,65,376	3,04,20,280	41,65,699	3,45,85,979	5,36,51,355
France -	13,83,920	9,28,546	23,12,466	26,86,304	13,500	26,99,804	50,12,270
Hamburgh -	73,912	-	73,912	-	-	-	73,912
Sweden -	79,492	-	79,492	91,477	-	91,477	1,70,969
Portugal -	87,118	1,10,925	1,98,043	1,93,866	-	1,93,866	3,91,903
	2,06,16,198	11,13,091	2,17,29,289	3,33,91,927	41,79,199	3,75,71,126	5,93,00,415
1828-29 :							
Great Britain -	2,21,81,707	2,48,101	2,24,29,808	2,57,66,464	12,41,443	2,70,07,907	4,94,37,715
France -	17,10,434	4,93,816	22,04,250	23,87,107	-	23,87,107	45,91,357
Hamburgh -	3,73,232	-	3,73,232	-	-	-	3,73,232
Sweden -	82,761	-	82,761	1,74,322	-	1,74,322	2,57,083
Portugal -	-	-	-	1,12,433	-	1,12,433	1,12,433
	2,43,48,134	7,41,917	2,50,90,051	2,84,40,326	12,41,443	2,96,81,769	5,47,71,820
Increase -	37,31,936	-	33,60,762	—	—	—	—
Decrease -	-	3,71,174	-	49,51,601	29,37,756	78,89,357	45,28,595

GREAT BRITAIN.

III.
External
and Internal
Commerce.
—
(1.)
BENGAL.
—
Great Britain.

170. The amount of shipping engaged in the trade with the United Kingdom, in the year under consideration, has been, in arrivals, 106 vessels, or tons 57,304, and in departures, 87 vessels, or tons 42,611; the difference between this and the preceding year being an increase, on arrivals, of 4 vessels, or tons 5,380, and an excess also on departures, of 13 vessels, or tons 7,046.

171. Of the vessels that have been employed in this trade during the year under review, 16, of tons 16,828, from Great Britain, have belonged to the Honourable Company; and 90 vessels, of 40,476 tons, were of the Private Trade. In departures, 9 vessels, or tons 6,825, have been the Honourable Company's, and 78 vessels, or tons 35,786, of the Private Trade.

172. The arrivals from Great Britain may be thus classed: 74 vessels, or tons 46,211, from London; 19 vessels, or tons 7,133, from Liverpool; 9 vessels of 2,544 tons, from Greenock; one vessel of tons 399, from Hull; two of 714 tons, from Leith; and one vessel of tons 303 from Newcastle.

173. The departures were 65 vessels, of tons 34,859, to Great Britain; 21 vessels, of tons 7,610, to Liverpool; and 1 vessel, of tons 142, to Leith.

174. We have before observed that the Port of Greenock appears unable to sustain a reciprocal commerce with India; we accordingly find that although nine vessels arrived here with produce from Greenock, not one of these returned to that port; Hull and Newcastle are similarly circumstanced in regard to their relation with India; the vessels which came from these places did not return, but they preferred engaging freight from hence to London and Liverpool. One of the two vessels from Leith returned thither, the other having accepted a lading for London or Liverpool.

					1827-28.		1828-29.	
					Ships.	Tons.	Ships.	Tons.
ARRIVALS:								
London	-	-	-	-	79	44,062	74	46,211
Liverpool	-	-	-	-	16	5,939	19	7,133
Greenock	-	-	-	-	7	1,923	9	2,544
Hull	-	-	-	-	-	-	1	399
Leith	-	-	-	-	-	-	2	714
Newcastle	-	-	-	-	-	-	1	303
					102	51,924	106	57,304
					Deduct - - -		102	51,924
Net Increase in 1828-29							4	5,380

					1827-28.		1828-29.	
					Ships.	Tons.	Ships.	Tons.
DEPARTURES:								
London	-	-	-	-	56	28,697	65	34,859
Liverpool	-	-	-	-	17	6,676	21	7,610
Greenock	-	-	-	-	1	192	-	-
Leith	-	-	-	-	-	-	1	142
					74	35,565	87	42,611
					Deduct - - -		74	35,565
Net Increase in 1828-29							13	7,046

175. The gross value of our commerce with the United Kingdom, for the year under consideration, is sicca rupees 4,94,37,715; of which Imports comprehend sicca rupees 2,24,29,808, and Exports sicca rupees 2,70,07,907; yielding a result, compared with the previous or year 1827-28, of increase on Imports to the extent of sicca rupees 33,64,432, and a decrease in Exports to the value of sicca rupees 75,78,072, as shown in the following Statement:

III.
External
and Internal
Commerce.
(1.)
BENGAL.

	Merchandize.	Treasure.	TOTAL.
Imports - - - - -	2,21,81,707	2,48,101	2,24,29,808
Exports - - - - -	2,57,66,464	12,41,443	2,70,07,907
TOTAL - - S. Rs.	4,79,48,171	14,89,544	4,94,37,715

	Imports.	Exports.
1827-28 - - - - -	1,90,65,376	3,45,85,979
1828-29 - - - - -	2,24,29,808	2,70,07,907
Increase - - - - -	33,64,432	--
Decrease - - - - -	- - -	75,78,072

176. Separating the foregoing into its component parts, the fluctuations will be as follows: the comparative increase in Imports of sicca rupees 33,64,432, in the year 1828-29, is, in merchandize, sicca rupees 31,89,951, and in treasure, sicca rupees 1,74,481; whilst the decrease of sicca rupees 75,78,072 in Exports as follows: deficiency in the value of merchandize, sicca rupees 46,53,816, and in treasure, sicca rupees 29,24,256. The net deficiency of the trade, contrasted with the year 1827-28, is sicca rupees 42,13,640, as shown in the following: viz.

	1827-28.	1828-29.	Increase.	Decrease.
Imports:				
Merchandize - - - - -	1,89,91,756	2,21,81,707	31,89,951	--
Treasure - - - - -	73,620	2,48,101	1,74,481	--
Exports:				
Merchandize - - - - -	3,04,20,289	2,57,66,464	- -	46,53,816
Treasure - - - - -	41,65,699	12,41,443	- -	29,24,256
	5,36,51,355	4,94,37,715	33,64,432	75,78,072
Deduct Increase - - -				33,64,432
Net Decrease - - S. Rs.				42,13,640

177. The value of Imports in the year 1828-29, sicca rupees 2,24,29,808, comprehends the amount of goods imported on account of the Honourable Company: viz. in merchandize, sicca rupees 1,51,916, and in treasure, sicca rupees 2,46,414; and, in Private Trade, merchandize, sicca rupees 2,20,29,791, and treasure, sicca

III. rupees 1,687. The fluctuations in the above, compared with the previous year, as follow :

External and Internal Commerce.	HONOURABLE COMPANY'S TRADE :							
	Merchandize,	decrease	-	-	-	-	1,96,396	
(1.)	Treasure,	increase	-	-	-	-	2,46,414	Increase.
B E N G A L.								50,018
PRIVATE TRADE :								
	Merchandize,	increase	-	-	-	-	33,86,347	
	Treasure,	decrease	-	-	-	-	71,933	
								33,14,414
	Increase in Imports - - - S. Rs.							33,64,432

178. The Exports have been represented at the value of sicca rupees 2,70,07,907 ; consisting of the Honourable Company's investments in merchandize, sicca rupees 1,41,26,165, and of the Private Trade in merchandize, sicca rupees 1,16,40,299, and of treasure, sicca rupees 12,41,443. The comparative difference of each, with reference to the year 1827-28, is,

THE HONOURABLE COMPANY'S:							Decrease.
Merchandize, decrease	-	-	-	-	-	34,10,985	
Treasure - - d°	-	-	-	-	-	34,58,720	
							68,69,705
PRIVATE TRADE:							
Merchandize, decrease	-	-	-	-	-	12,42,831	
Treasure, increase	-	-	-	-	-	5,34,464	
							7,08,367
Decrease in Exports - - - S. Rs.							75,78,072

as exemplified in the following Tables :

	H. C. TRADE.			PRIVATE TRADE.			TOTAL.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
IMPORTS :									
1827-28 -	3,48,312	-	3,48,312	1,86,43,444	73,620	1,87,17,064	1,89,91,756	73,620	1,90,65,376
1828-29 -	1,51,916	2,46,414	3,98,330	2,20,29,791	1,687	2,20,31,478	2,21,81,707	2,48,101	2,24,29,808
Increase -	-	2,46,414	50,018	33,86,347	-	33,14,414	3,89,951	1,74,481	33,64,432
Decrease -	1,96,396	-	-	-	71,933	-	-	-	-
EXPORTS :									
1827-28 -	1,75,37,150	34,58,720	2,09,95,870	1,28,83,130	7,06,979	1,35,90,109	3,04,20,280	41,65,699	3,45,85,979
1828-29 -	1,41,26,165	-	1,41,26,165	1,16,40,299	12,41,443	1,28,81,742	2,57,66,464	12,41,443	2,70,07,907
Increase -	-	-	-	-	5,34,464	-	-	-	-
Decrease -	34,10,985	34,58,720	68,69,705	12,42,831	-	7,08,367	46,53,816	29,24,256	75,78,072

179. We have already noticed that the value of Imports from Great Britain, in the year 1828-29, amounts to sicca rupees 2,24,29,808; of which sum, the Port of London has furnished sicca rupees 96,74,380, (in merchandize, sicca rupees 94,26,279, and in treasure, sicca rupees 2,48,101); Liverpool, sicca rupees 80,11,940, in merchandize; Greenock, sicca rupees 45,07,950, in merchandize; the Port of Hull, sicca rupees 1,22,783, in merchandize; Leith, sicca rupees 93,850, in merchandize; and Newcastle, sicca rupees 18,905, also in merchandize.

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

180. Comparing the two years under review, the result is as follows :

London - Merchandize, decrease	-	-	-	6,14,267	Decrease.	Increase.
Treasure, increase	-	-	-	1,76,196		
					4,38,071	
Liverpool, Merchandize, increase	-	-	-	11,05,032		
Treasure, decrease	-	-	-	1,715		
						11,03,317
Greenock, Merchandize, increase	-	-	-	-	-	24,63,648
Hull - - - d°	-	-	-	-	-	1,22,783
Leith - - - d°	-	-	-	-	-	93,850
Newcastle - - d°	-	-	-	-	-	18,905
						38,02,503
				Less - - -		4,38,071
Comparative Increase of Imports	-	-	-	S. Rs.		33,64,432

181. The Exports to Great Britain, in the year under review, have been represented, in the aggregate, at sicca rupees 2,70,07,907. This amount comprehends the value of shipments to the Port of London, sicca rupees 2,49,46,019, (consisting of merchandize, in amount sicca rupees 2,37,73,487, and treasure, sicca rupees 11,72,532); to Liverpool, sicca rupees 20,21,210, (in merchandize, sicca rupees 19,52,299, and treasure, sicca rupees 68,911); and to Leith, sicca rupees 40,678, in merchandize.

182. The comparative difference, for the year under consideration, stands as under :

London - Merchandize, decrease	-	-	-	45,62,972	Decrease.	Increase.
Treasure - - d°	-	-	-	28,95,225		
					74,58,197	
Liverpool, Merchandize - d°	-	-	-	1,11,528		
Treasure - - d°	-	-	-	29,031		
					1,40,559	
Greenock, no Exports in 1828-29.						
Shipment of the previous year	-	-	-	-	19,994	
Hull - - no Exports.						
Newcastle - - d°.						
Leith - no Exports in 1827-28.						
Amount of Shipments in the previous year	-	-	-	-	-	40,678
					76,18,750	
				Less - - -	40,678	
Comparative Deficiency in value of Exports, S. Rs.					75,78,072	

as more particularly presented in the following detailed Schedules :—

	TOTAL.			LONDON.			LIVERPOOL.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
Imports :									
1827-28 -	1,89,91,756	73,620	1,90,65,376	1,00,40,546	71,905	1,01,12,451	69,06,908	1,715	69,08,623
1828-29 -	2,21,81,707	2,48,101	2,24,29,808	94,26,279	2,48,101	96,74,380	80,11,940	-	80,11,940
Increase -	31,89,951	1,74,481	33,64,432	- - -	17,61,96	- - -	11,05,032	- -	11,03,317
Decrease -	- - -	- - -	- - -	6,14,267	- -	4,38,071	- - -	1,715	-

	TOTAL.			LONDON.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
Exports :						
1827-28 -	3,04,20,280	41,65,699	3,45,85,979	2,83,36,459	40,67,757	3,24,04,216
1828-29 -	2,57,66,464	12,41,443	2,70,07,907	2,37,73,487	11,72,532	2,49,46,019
Increase -	- - -	- - -	- - -	- - -	- - -	- - -
Decrease -	46,53,816	29,24,256	75,78,072	45,62,972	28,95,225	74,58,197

183. The comparison between the trade or investments of the Honourable Company, and the adventures of private individuals, in the commerce of the United Kingdom with India, in the year 1828-29, is as follows :

Imports.	
The Honourable Company's Investments - - -	3,98,330
The Private - - - - - do - - -	2,20,31,478
Private in excess of the Honourable Company - - -	2,16,33,148
Exports.	
The Honourable Company's shipments, at market value -	1,41,26,165
The Private Trade, at the official valuation	1,28,81,742
Add difference of value on Indigo exported to Great Britain, F. maunds 63,737, at 130 per maund - - - - -	82,85,810
Ditto on Raw Silk, on B. Maunds 5,114 at 3 Rs. 12 As. per seer - - -	7,67,100
	2,19,34,652
	70,08,487
Private Trade in excess of the Honourable Company's, 1828-29	2,94,41,635

IMPORTS.

184. Of the articles imported from the United Kingdom, amounting, as per following Schedule, to sicca rupees 2,24,29,808, the value of merchandize was sicca rupees 2,21,81,707 ; and of treasure, sicca rupees 2,48,101 ; the comparison of which, with the operations of the preceding year, exhibits a net increase of sicca rupees 33,64,432 in the year under notice.

GREENOCK.			HULL.			LEITH.			NEWCASTLE.		
Merchandize.	Trea- sure.	TOTAL.	Merchandize.	Trea- sure.	TOTAL.	Merchandize.	Trea- sure.	TOTAL.	Merchandize.	Trea- sure.	TOTAL.
20,44,302	- -	20,44,302	—	—	—	—	—	—	—	—	—
45,07,950	- -	45,07,950	1,22,783	- -	1,22,783	93,850	- -	93,850	18,905	- -	18,905
24,63,648	- -	24,63,648	1,22,783	- -	1,22,783	93,850	- -	93,850	18,905	- -	18,905
—	—	—	—	—	—	—	—	—	—	—	—

LIVERPOOL.			GREENOCK.			LEITH.		
Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
20,63,827	97,942	21,61,769	19,994	- - -	19,994	—	—	—
19,52,299	68,911	20,21,210	- - -	- - -	- - -	40,678	—	40,678
- - -	- - -	- - -	- - -	- - -	- - -	40,678	- - -	40,678
1,11,528	29,031	1,40,559	19,994	- - -	19,994	—	—	—

UNITED KINGDOM.

				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
IMPORTS:							
Anchors	- - - -	-	Ps.	417	56,808	349	61,775
Books	- - - -	-	-	- - -	2,24,452	- - -	1,89,082
Boots and Shoes	- - - -	-	-	- - -	5,378	- - -	14,200
Brandy	- - - -	-	-	- - -	151,770	- - -	2,40,374
Brandy, Cherry	- - - -	-	-	- - -	16,597	- - -	7,262
Brimstone	- - - -	-	maunds	1,106	4,816	950	3,149
Broad Cloath and Woollens, British	- - - -	-	-	- - -	23,51,771	- - -	16,05,891
Ditto	- - ditto, Foreign	-	-	- - -	63,988	- - -	15,198
Bottles, empty	- - - -	-	-	- - -	83,193	- - -	58,186
Braziery	- - - -	-	-	- - -	12,194	- - -	47,700
Brass-ware	- - - -	-	-	- - -	22,858	- - -	5,279
Confectionery	- - - -	-	-	- - -	69,706	- - -	69,469
Cutlery	- - - -	-	-	- - -	72,642	- - -	57,880
Cabinet-ware	- - - -	-	-	- - -	4,207	- - -	16,843
Copper, British	- - - -	-	maunds	43,146	17,08,516	44,076	17,01,448
Copper, Foreign	- - - -	-	—	6,242	1,94,885	1,537	54,674
Clocks and Watches	- - - -	-	-	- - -	55,956	- - -	27,171
Cordage	- - - -	-	-	- - -	92,143	- - -	80,667
Corals	- - - -	-	-	- - -	1,04,346	- - -	2,25,232
Carriages	- - - -	-	-	- - -	49,579	- - -	59,855
Corks	- - - -	-	-	- - -	17,148	- - -	9,825
Claret, English	- - - -	-	chests	295 ½	1,17,742	636	1,93,440
Claret, Foreign	- - - -	-	—	- - -	45,766	- - -	1,03,608
Champaign and Burgundy	- - - -	-	-	- - -	43,315	- - -	63,549
Cards	- - - -	-	-	- - -	2,696	- - -	7,486
Canvas and Vitry	- - - -	-	-	- - -	1,35,971	- - -	91,558

III. External and Internal Commerce.					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
(1.) BENGAL.					IMPORTS :			
	Cochineal	-	-	maunds	46	27,568	142	71,491
	Coals	-	-	-	-	30,964	-	4,397
	Cotton Yarn, British	-	-	maunds	1,794	1,73,660	5,175	3,82,704
	Cotton Yarn, Foreign	-	-	—	-	-	65	11,677
	Cotton Twist, British	-	-	—	8,626	7,71,859	17,774	14,88,130
	Cotton Mule Twist	-	-	—	12,725	8,96,591	19,141	14,17,675
	Carpets	-	-	-	-	14,470	-	12,127
	Fowling Pieces and Pistols	-	-	-	-	1,05,969	-	73,008
	Flannels and Blankets	-	-	-	-	1,46,097	-	59,787
	Grocery	-	-	-	-	24,611	-	1,069
	Glass-Ware	-	-	-	-	3,14,268	-	1,87,391
	Gin	-	-	-	-	12,360	-	7,220
	Gunpowder	-	-	-	-	2,139	-	11,119
	Gold Thread and Lace	-	-	-	-	51,568	-	25,259
	Gun Flint	-	-	-	-	11,898	-	5,692
	Hosiery	-	-	-	-	1,35,350	-	1,16,686
	Haberdashery	-	-	-	-	59,218	-	1,05,497
	Hardware	-	-	-	-	1,89,194	-	1,48,488
	Hats	-	-	-	-	29,714	-	34,828
	Hock	-	-	-	-	7,066	-	21,601
	Iron, British	-	-	maunds	1,21,835	4,88,568	1,71,221	6,24,977
	Iron, Foreign	-	-	—	5,982	32,724	3,763	26,019
	Ironmongery	-	-	-	-	70,792	-	1,48,375
	Instruments, Musical	-	-	-	-	1,16,100	-	1,02,148
	Ditto Mathematical and Maps	-	-	-	-	32,698	-	16,830
	Jewellery	-	-	-	-	2,14,641	-	1,26,464
	Kittisols	-	-	-	-	5,290	-	13,826
	Lead, British	-	-	maunds	19,623	1,37,401	28,241	1,91,788
	Lead, Foreign	-	-	—	-	-	1,611	11,522
	Lead, Red	-	-	-	-	46,589	-	31,590
	Lead, White	-	-	-	-	54,321	-	49,129
	Looking-Glasses	-	-	-	-	3,503	-	13,559
	Lametry	-	-	-	-	29,700	-	21,822
	Line and Twine	-	-	-	-	9,504	-	4,636
	Millinery	-	-	-	-	1,78,174	-	1,62,800
	Malt Liquors	-	-	-	-	3,48,498	-	4,47,430
	Madeira Wine	-	-	pipes	275	1,10,575	213	86,984
	Medicine	-	-	-	-	1,01,393	-	66,751
	Morocco Skins	-	-	-	-	19,856	-	11,664
	Metal-Ware	-	-	-	-	6,026	-	14,408
	Military Stores	-	-	-	-	20,000	—	—
	Machinery	-	-	-	-	20,026	-	86,998
	Oilman's Stores	-	-	-	-	1,80,368	-	1,82,417
	Piece Goods, Cotton, British	-	-	-	-	49,25,479	-	72,64,668
	Piece Goods, Cotton, Foreign	-	-	-	-	4,660	-	1,81,496
	Piece Goods, Silk, British	-	-	-	-	1,09,054	-	3,05,603
	Piece Goods, Silk, Foreign	-	-	-	-	-	-	3,976
	Perfumery	-	-	-	-	45,009	-	39,677
	Plated-Ware	-	-	-	-	1,21,154	-	55,621
	Pictures and Prints	-	-	-	-	25,754	-	66,108
	Paints	-	-	-	-	28,145	-	35,028
	Port Wine	-	-	dozens	6,712	1,09,567	11,240	1,49,088
	Printing Types	-	-	-	-	20,618	-	13,158
	Queen's-Ware	-	-	-	-	2,05,985	-	1,64,500
	Quicksilver	-	-	maunds	427	29,498	487	48,942
	Rum and Arrack	-	-	-	-	30,542	-	3,453
	Raisins	-	-	-	-	12,071	-	5,543
	Stationery	-	-	-	-	2,22,126	-	2,60,975
	Saddlery	-	-	-	-	1,27,906	-	99,440
	Ship Chandlery	-	-	-	-	47,057	-	27,258
	Silver-Ware	-	-	-	-	500	-	10,705
	Salt Provision	-	-	-	-	76,930	-	72,476
	Steel, British	-	-	maunds	-	-	156	2,177
	Steel, Foreign	-	-	—	576	4,684	1,004	7,542
	Segars	-	-	-	-	-	-	6,609
	Sundries	-	-	-	-	3,57,588	-	4,56,654
	Spelter	-	-	maunds	1,62,319	10,48,229	89,947	4,74,313

III.

External
and Internal
Commerce.

(1.)

BENGAL.

IMPORTS— <i>continued.</i>	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Sherry - - - - -	- -	2,10,903	- -	6,26,101
Steam-Engine - - - - -	- -	1,16,162	- -	65,858
Silk - - - - - <i>maunds</i>	195	6,901	- -	-
Tin Plates and Ware - - - - -	- -	40,344	- -	36,971
Toys - - - - -	- -	7,716	- -	1,392
Timber and Planks - - - - -	- -	14,502	- -	8,057
Ticken and Quiltings - - - - -	- -	-	- -	11,056
Vinegar - - - - -	- -	10,671	- -	1,289
Velvets, Foreign - - - - -	- -	5,074	- -	729
Wine - - - - -	- -	6,320	- -	10,649
Wearing Apparel - - - - -	- -	80,853	- -	25,820
Treasure - -		1,89,91,756	- -	2,21,81,707
		73,620	- -	2,48,101
		1,90,65,376	- -	2,24,29,808
Deduct - - -				1,90,65,376
Net Increase -				33,64,432

Increase, Merchandize - - 31,89,951

Ditto, Treasure - - - 1,74,481

S. Rs. 33,64,432

185. Increase of value has been experienced in the importations of the under-mentioned goods :

IMPORTS :	INCREASE.	
	Quantity.	Value.
Anchors - - - - - <i>Ps.</i>	- - -	4,967
Boots and Shoes - - - - -	- - -	8,822
Brandy - - - - -	- - -	88,604
Braziery - - - - -	- - -	35,506
Cabinet-Ware - - - - -	- - -	12,636
Copper, British - - - - -	930	-
Corals - - - - -	- - -	1,20,886
Carriages - - - - -	- - -	10,276
Claret, English - - - - - <i>chests</i>	340½	75,698
Claret, Foreign - - - - -	- - -	57,842
Champaign and Burgundy - - - - -	- - -	20,234
Cards - - - - -	- - -	4,790
Cochineal - - - - - <i>maunds</i>	96	43,923
Cotton Yarn, British - - - - -	3,381	2,09,044
Cotton Yarn, Foreign - - - - -	65	11,677
Cotton Twist, British - - - - -	9,148	7,16,271
Cotton Mule Twist, ditto - - - - -	6,416	5,21,084
Gunpowder - - - - -	- - -	8,980
Haberdashery - - - - -	- - -	46,279
Hats - - - - -	- - -	5,114
Hock - - - - -	- - -	14,535
Iron, British - - - - - <i>maunds</i>	49,386	1,36,409
Ironmongery - - - - -	- - -	77,583
Kittisols - - - - -	- - -	8,536
Lead, British - - - - - <i>maunds</i>	8,618	54,387
Lead, Foreign - - - - -	1,611	11,522
Looking-Glasses - - - - -	- - -	10,056

BENGAL.

										I N C R E A S E.	
<i>I M P O R T S—continued.</i>										Quantity.	Value.
Malt Liquor	-	-	-	-	-	-	-	-	-	-	98,932
Metal-Ware	-	-	-	-	-	-	-	-	-	-	8,382
Machinery	-	-	-	-	-	-	-	-	-	-	66,972
Oilman's Stores	-	-	-	-	-	-	-	-	-	-	2,049
Piece Goods, Cotton, British	-	-	-	-	-	-	-	-	-	-	23,39,189
Piece Goods, Cotton, Foreign	-	-	-	-	-	-	-	-	-	-	1,76,836
Piece Goods, Silk, British	-	-	-	-	-	-	-	-	-	-	1,96,549
Piece Goods, Silk, Foreign	-	-	-	-	-	-	-	-	-	-	3,976
Pictures and Prints	-	-	-	-	-	-	-	-	-	-	40,354
Paints	-	-	-	-	-	-	-	-	-	-	6,883
Port Wine	-	-	-	-	-	-	dozens	4,528	-	-	39,521
Quicksilver	-	-	-	-	-	-	maunds	60	-	-	19,444
Stationery	-	-	-	-	-	-	-	-	-	-	38,849
Silver-Ware	-	-	-	-	-	-	-	-	-	-	10,205
Steel, British	-	-	-	-	-	-	maunds	156	-	-	2,177
Steel, Foreign	-	-	-	-	-	-	—	428	-	-	2,858
Segars	-	-	-	-	-	-	-	-	-	-	6,609
Sundries	-	-	-	-	-	-	-	-	-	-	99,066
Sherry	-	-	-	-	-	-	-	-	-	-	4,15,198
Ticken and Quiltings	-	-	-	-	-	-	-	-	-	-	11,056
Wine	-	-	-	-	-	-	-	-	-	-	4,329
											59,05,095
Treasure - - -											1,74,481
											60,79,576

And Decrease in the Goods below-mentioned :

										D E C R E A S E.	
										Quantity.	Value.
Anchors	-	-	-	-	-	-	-	-	<i>pieces</i>	68	—
Books	-	-	-	-	-	-	-	-	-	-	35,370
Brandy, Cherry	-	-	-	-	-	-	-	-	-	-	9,335
Brimstone	-	-	-	-	-	-	-	-	<i>maunds</i>	156	1,667
Broad Cloth and Woollen, British	-	-	-	-	-	-	-	-	-	-	7,45,880
Ditto - ditto - Foreign	-	-	-	-	-	-	-	-	-	-	48,790
Bottles, empty	-	-	-	-	-	-	-	-	-	-	25,007
Brass-Ware	-	-	-	-	-	-	-	-	-	-	17,588
Confectionery	-	-	-	-	-	-	-	-	-	-	237
Cutlery	-	-	-	-	-	-	-	-	-	-	14,762
Copper, British	-	-	-	-	-	-	-	-	<i>maunds</i>	-	7,068
Copper, Foreign	-	-	-	-	-	-	-	-	—	4,705	1,40,211
Clocks and Watches	-	-	-	-	-	-	-	-	-	-	28,785
Cordage	-	-	-	-	-	-	-	-	-	-	11,476
Corks	-	-	-	-	-	-	-	-	-	-	7,323
Canvas and Vitry	-	-	-	-	-	-	-	-	-	-	44,413
Coals	-	-	-	-	-	-	-	-	-	-	26,567
Carpets	-	-	-	-	-	-	-	-	-	-	2,343
Fowling-Pieces and Pistols	-	-	-	-	-	-	-	-	-	-	32,961
Flannels and Blankets	-	-	-	-	-	-	-	-	-	-	86,310
Grocery	-	-	-	-	-	-	-	-	-	-	23,542
Glass-Ware	-	-	-	-	-	-	-	-	-	-	1,26,877
Gin	-	-	-	-	-	-	-	-	-	-	5,140
Gold Thread and Lace	-	-	-	-	-	-	-	-	-	-	26,309
Gun Flint	-	-	-	-	-	-	-	-	-	-	6,206
Hosiery	-	-	-	-	-	-	-	-	-	-	18,664
Hardware	-	-	-	-	-	-	-	-	-	-	40,706
Iron, Foreign	-	-	-	-	-	-	-	-	<i>maunds</i>	2,219	6,705
Instruments, Musical	-	-	-	-	-	-	-	-	-	-	13,952
Ditto - Mathematical and Maps	-	-	-	-	-	-	-	-	-	-	15,868

Jewellery

										D E C R E A S E.		III. External and Internal Commerce. (1.) B E N G A L.
										Quantity.	Value.	
Jewellery -	-	-	-	-	-	-	-	-	-	-	88,177	
Lead, Red	-	-	-	-	-	-	-	-	-	-	14,999	
Lead, White	-	-	-	-	-	-	-	-	-	-	5,192	
Lametry -	-	-	-	-	-	-	-	-	-	-	7,878	
Line and Twine	-	-	-	-	-	-	-	-	-	-	4,868	
Millinery -	-	-	-	-	-	-	-	-	-	-	15,374	
Madeira Wine	-	-	-	-	-	-	-	-	62	-	23,591	
Medicine	-	-	-	-	-	-	-	-	-	-	34,642	
Morocco Skins	-	-	-	-	-	-	-	-	-	-	8,192	
Military Stores -	-	-	-	-	-	-	-	-	-	-	20,000	
Perfumery	-	-	-	-	-	-	-	-	-	-	5,332	
Plated-Ware	-	-	-	-	-	-	-	-	-	-	65,533	
Printing Types	-	-	-	-	-	-	-	-	-	-	7,460	
Queen's-Ware	-	-	-	-	-	-	-	-	-	-	41,485	
Rum and Arrack	-	-	-	-	-	-	-	-	-	-	27,089	
Raisins	-	-	-	-	-	-	-	-	-	-	6,528	
Saddlery -	-	-	-	-	-	-	-	-	-	-	28,466	
Ship Chandlery	-	-	-	-	-	-	-	-	-	-	19,799	
Salt Provisions	-	-	-	-	-	-	-	-	-	-	4,454	
Spelter	-	-	-	-	-	-	-	-	72,372	-	5,73,916	
Steam-Engines	-	-	-	-	-	-	-	-	-	-	50,304	
Silk	-	-	-	-	-	-	-	-	195	-	6,901	
Tin Plate and Ware	-	-	-	-	-	-	-	-	-	-	3,373	
Toys	-	-	-	-	-	-	-	-	-	-	6,324	
Timbers and Planks	-	-	-	-	-	-	-	-	-	-	6,445	
Vinegar	-	-	-	-	-	-	-	-	-	-	9,382	
Velvets, Foreign	-	-	-	-	-	-	-	-	-	-	4,345	
Wearing Apparel	-	-	-	-	-	-	-	-	-	-	55,033	
										27,15,144		

186. The value of manufactured Cotton imported from Great Britain, in the year 1828-29, is sicca rupees 74,46,164; being sicca rupees 25,16,025 in excess of the amount of the year 1827-28.

		Cotton Piece Goods.	
British	-	-	72,64,668
Foreign	-	-	1,81,496
S. Rs.			74,46,164

187. The value of Silk Piece Goods, or fabricated Silk, imported in the year under review, is sicca rupees 3,09,579; which, contrasted with the preceding year, is an increase of sicca rupees 2,00,525.

		Silk Piece Goods.	
British	-	-	3,05,603
Foreign	-	-	3,976
S. Rs.			3,09,579

188. We noticed in our last Report that British Cottons had been so abundantly shipped out to India as to have fallen in value here below prime cost. The operations of the present year have been no less disadvantageous, from the over-trading to India. A few of the assortments of manufactured Cottons have sold at cost, exchange at 2 s. the rupee; but the greater part of consignments have been disposed of at auction, or by private contract, at a considerable sacrifice of value.

189. The amount value of this Importation is sicca rupees 33,00,186; or sicca rupees 14,55,076 in augmentation of the dealings in Twist for the year 1827-28.

		Cotton Yarn or Twist.	
British	-	-	32,88,509
Foreign	-	-	11,677
S. Rs.			33,00,186

190. The importations of this manufacture have been so abundant as to reduce sales to considerably below cost; and it is supposed that the heavy losses thus brought on the speculators have been the cause of the extensive failures that have taken place, particularly in Glasgow; the failures being chiefly amongst the spinners of Twist who have traded to India.

191. The importation of this Metal, in the year under review, stands at B. maunds 89,947, value sicca rupees 4,74,313; which, contrasted with the preceding year, is a deficiency of maunds 72,372, value sicca rupees 5,73,916.

Spelter.

III.

External
and Internal
Commerce.

(1.)

BENGAL.

192. The previous importations of this article having been so abundant, the decrease in the supply of the year under consideration has had no beneficial effect on the state of the market; on the contrary, the importation, although short of the quantity brought in 1827-28, has exceeded the demand. The value of the article has consequently still further declined in the market. The stock is still very heavy, and even calculating upon a more moderate supply in future, it is probable that no improvement in the sale price of Spelter will take place in less than two years.

Copper.		Mds.	Value.
British	-	44,076	17,01,448
Foreign	-	1,537	54,674
TOTAL	-	45,613	17,56,122

193. The amount of importation, in the year 1828-29, is maunds 45,613, value sicca rupees 17,56,122; presenting a comparative decrease of maunds 3,775, value sicca rupees 1,47,279; that is, an increase in the quantity of British Copper by maunds 930, but deficient in value sicca rupees 7,068, and a decrease in Foreign Copper by bazar maunds 4,705, value sicca rupees 140,211.

194. The demand for Copper has been active during the year, and the prices obtained for it advantageous.

Iron and Ironmongery.			
Iron	-	-	6,50,996
Ironmongery	-	-	1,48,375
Hardware	-	-	1,48,488
S. Rs.			9,47,859

195. Comprehending all the variety mentioned in the margin, the imported value of such goods, during the year under consideration, is given at sicca rupees 9,47,859, which, compared with the value of supply brought here in the year 1827-28, shows an increase of sicca rupees 1,66,581.

196. Of unwrought Iron in bars, included in the above, the importation has been maunds 174,984, value sicca rupees 6,50,996; of which British is maunds 171,221, value sicca rupees 6,24,977; and the foreign (Swedish) maunds 3,763, value sicca rupees 26,019; yielding, by comparison with the year 1827-28, an increase in the former of maunds 49,386, value sicca rupees 1,36,409, and a decrease in the latter of maunds 2,319, value sicca rupees 6,705.

197. In Ironmongery, the operations of the year 1828-29, present an increase, compared, with the previous year, of sicca rupees 77,583.

198. The value of Hardware imported in the year under review is less than in 1827-28 by sicca rupees 40,706.

199. The importation of British unwrought Iron, in the year under consideration, has greatly exceeded the consumption demand of the place, and in consequence sales have not been effectable, but at a discount on cost price to almost 40 per cent. Swedish iron has been in partial demand.

200. Ironmongery and Hardware are articles generally difficult of sale. The market, through the year, has ranged from 15 to 25 per cent. discount on cost prices, per invoices; exchange at 2s. 6d. the rupee.

Brass and Brazieri. 201. At present an unimportant branch of our External Trade with Great Britain. The aggregate of importation, in the year 1828-29, is sicca rupees 52,970; that is, Brass-ware, sicca rupees 5,270; and Brazieri, sicca rupees 47,700; the first being deficient on the returns of the previous year by sicca rupees 17,588, and the latter in excess by sicca rupees 35,506.

Lead. 202. The importation of this metal, comprehending the two descriptions called Sheet and Pig Lead, is presented, for the year 1828-29, at maunds 29,852, value sicca rupees 2,03,310; consisting of British produce, maunds 28,241, value sicca rupees 1,91,788; and of Foreign, maunds 1,611, value sicca rupees 11,522; the former being at a comparative increase of maunds 8,618, value sicca rupees 54,387; and the latter also in excess by maunds 1,611, value sicca rupees 11,522; this appears to be a new importation.

Lead, Red & White.			
Red Lead	-	-	31,590
White ditto	-	-	49,129
TOTAL	-	-	S. Rs. 80,719

203. The quantity of these imported, in the year under consideration, has been of value sicca rupees 80,719, which, compared with the amount of the previous year, is a decrease of sicca rupees 20,191; notwithstanding this, the market has continued depressed, and prices far below the shipment value.

204. The

204. The importation of the year 1828-29 fell short of the value of the previous year by sicca rupees 3,373, the amount being sicca rupees 36,971 in the former, and sicca rupees 40,344 in the latter period.

Tin Plates.

205. The amount value imported in the year under consideration is sicca rupees 2,65,894, as under; viz. anchors, sicca rupees 61,775; cordage, sicca rupees 80,667; canvas and vitry, sicca rupees 91,528; lines and twine, sicca rupees 4,636, and ship chandlery, sicca rupees 27,258; the comparative result being a deficiency (in value) of sicca rupees 75,589.

Marine Stores.

206. The importation of this product appears to have augmented in the year under notice, the amount being sicca rupees 2,25,232, or sicca rupees 1,20,886 above that of 1827-28.

Corals.

207. The Report of the year 1828-29 gives the value of Cochineal imported at sicca rupees 71,491, in quantity maunds 142, being an excess in the result of the previous year by sicca rupees 43,923, and maunds 96.

Cochineal.

208. The importation of the year is represented at sicca rupees 11,119, being an increase of sicca rupees 8,980 in the value of the year 1827-28.

Gunpowder.

209. The amount of importation, sicca rupees 1,02,148, being a deficiency compared with the previous year of sicca rupees 13,952.

Musical Instruments.

210. The aggregate of importation of these articles, in the year under notice, is sicca rupees 16,830, which shows a comparative decline of sicca rupees 15,868.

Mathematical Instruments & Maps.

211. The Returns for the year 1828-29 present no importation of this product from the United Kingdom.

Salt.

212. The exhibit for the year 1828-29 presents the importation of this article at a further decrease; the amount value of receipts is sicca rupees 72,476, or sicca rupees 4,454 below the result of the year 1827-28.

Salt Provisions.

213. Have not obtained a place amongst the Imports from the United Kingdom. The value of receipts, being inconsiderable, has been ranked with sundries in the Statement for the present year.

Shawls.

214. The value of Imports is given at sicca rupees 25,820, which, compared with the year 1827-28, is a deficiency of sicca rupees 55,033.

Wearing Apparel.

215. The amount of importation in the year 1828-29 is sicca rupees 1,89,082, being a decline in the value of the previous year of sicca rupees 35,370.

Books.

216. Comprehending Bottles, valued at sicca rupees 58,186; Glass-Ware assorted, sicca rupees 1,87,391, and Looking-glasses, sicca rupees 13,559, is exhibited at an aggregate amount of sicca rupees 2,59,136, which, compared with the importation of the previous or year 1827-28, is a decrease of sicca rupees 1,41,828.

Glass-Ware.

217. The imported value of this commodity, in the year 1828-29, is given at sicca rupees 2,60,975, which exhibits an increase of sicca rupees 38,849 on the receipts of the previous year.

Stationery.

218. The amount of this classification imported in the year in question, sicca rupees 1,64,500, being deficient on the receipts of the previous year 1827-28, sicca rupees 41,485.

Earthenware: called Queen's Ware in the Schedule.

219. Comprehending the following, the gross value of the importation of the year 1828-29 being sicca rupees 16,93,003, yielding a decrease of sicca rupees 8,83,323 on the comparison with the year immediately preceding it; viz.

Woollens.

Broad Cloth, British	-	-	-	-	-	16,05,891
Ditto - Foreign	-	-	-	-	-	15,198
Carpets	-	-	-	-	-	12,127
Flannels and Blankets	-	-	-	-	-	59,787
S. Rs.						16,93,003

Wines & Liquors.

220. The aggregate value of the varieties comprehended in this classification, for the year under consideration, is sicca rupees 19,31,896, which, compared with the amount of the importations of the previous year, gives a result of increase equal to sicca rupees 7,44,370, in the year 1828-29, as under :—

S. Rs. 2,97,048

Clarets.—The value of receipts of this quality of Wines, in the year 1828-29, has been sicca rupees 2,97,048, which is a comparative increase of sicca rupees 1,33,540 ; much of this excess is the value of consignments from France *vid* England, to avoid the charge of additional Custom-house duties here, and also to provide carriage to India at a less rate of freight than what is paid in direct shipments from France.

— 63,549

Champaign and Burgundy.—The value of imports is sicca rupees 63,549, showing an advance on the previous year of sicca rupees 20,234.

— 86,984

Madeira Wines.—The aggregate value of shipments to Bengal, of this description of Wine, has been sicca rupees 86,984 ; exhibiting a decrease on the importations of 1827-28, sicca rupees 23,591.

— 1,49,088

Port Wine.—There appears to have been a considerable augmentation to the value of importations of this Wine. The comparative result between the years 1827-28 and 1828-29 being an increase of sicca rupees 39,521 in the period under notice.

— 6,26,101

Sherry.—The demand for this Wine continues active, and its use still very general ; the amount of imports, during the year 1828-29, is sicca rupees 6,26,101 ; which, compared with the year preceding, gives an excess of sicca rupees 4,15,198 in the former period.

Vin de Grave.—There appears to have been no importation of this description of Wine. The comparative result, therefore, is a deficiency of value sicca rupees 168, equal to the amount imported in the year 1827-28.

— 10,649

Wines: Sundries.—The aggregate of all other receipts of Wines is sicca rupees 10,649 ; which, compared with their imported value in 1827-28, is an increase of sicca rupees 4,329. The Wines comprehended under this head, as Hock, Barsack, Sauterne, Moselle, Alba Flora, Bucellas, &c. are in very limited use.

— 2,40,374

Brandy.—The amount value of importations of this spirit, within the year under consideration, is sicca rupees 2,40,374 ; which sum, compared with the result of the year 1827-28, is an increase of sicca rupees 88,604.

— 7,220

Gin.—The value of this article imported in the year 1828-29, amounts to sicca rupees 7,220, being a deficiency of sicca rupees 5,140 on the receipts of the previous year. The use of British Gin is very limited, and offers no advantage to the importers of it.

— 3,453

Rum and Arrack.—The aggregate value of these Spirits, imported from the United Kingdom within the year in question, is sicca rupees 3,453 ; being a deficiency in the imports of the year 1827-28 of sicca rupees 27,089.

— 4,47,430

Malt Liquors.—The total value imported within the year 1828-29 is sicca rupees 4,47,430, being an advance of sicca rupees 98,932 on the amount of the receipts of the previous year.

S. Rs. 19,31,896

Steam-Engines.

221. The amount value of this description of Machinery imported from Great Britain, within the year 1828-29, is sicca rupees 65,858 ; which, contrasted with the sum of receipts in the previous year, exhibits a decrease of sicca rupees 50,304.

222. This decrease is not indicative of any relaxation in the use of machinery, which gains ground in India.

Exports;
United Kingdom.

VALUE OF EXPORTS TO THE UNITED KINGDOM.

223. The aggregate of the value of Exportations to the United Kingdom, in the year 1828-29, is sicca rupees 2,70,07,907 ; comprehending the amount of Merchandize at sicca rupees 2,57,66,464, and of Treasure, sicca rupees 12,41,443.

224. The proportions of these amounts, separating the operations of the Honourable Company from those of the Private Trade, will be found comprised as under :—

	Merchandize.	Treasure.
The Honourable Company's remittances - - -	1,41,26,165	—
Private Trade - - - - -	1,16,40,199	12,41,443
Total - - - S. Rs.	2,57,66,464	12,41,443

225. The comparison of the transactions of the year 1828-29 with those of the preceding is a decrease, according to official value, of sicca rupees 75,78,072 : occurring in Merchandize, sicca rupees 46,53,816, and in Treasure, sicca rupees 29,24,256, as represented in the following Statement :—

					1827-28.	1828-29.	Increase.	Decrease.
EXPORTS :								
Merchandize	-	-	-	-	3,04,20,280	2,57,66,464	-	46,53,816
Treasure	-	-	-	-	41,65,699	12,41,443	-	29,24,256
S. Rs.					3,45,85,979	2,70,07,907	-	75,78,072

III.
External
and Internal
Commerce.

(1.)
BENGAL.

226. The Exports to the United Kingdom, within the year under consideration, have been to the Ports below mentioned ; the amount value of each respectively is as under :—

					Merchandize.	Treasure.	TOTAL.
To London	-	-	-	-	2,37,73,487	11,72,532	2,49,46,019
Liverpool	-	-	-	-	19,52,299	68,911	20,21,210
Leith	-	-	-	-	40,678	-	40,678
					2,57,66,464	12,41,443	2,70,07,907

227. The comparative operations of the commerce of each respective Port may be stated as under :—

London Exports in 1828-29, less than the value of the preceding year										
by sicca rupees	-	-	-	-	-	-	-	-	-	74,58,197
Liverpool ditto, ditto	-	-	-	-	-	-	-	-	-	1,40,559
Greenock ditto, ditto	-	-	-	-	-	-	-	-	-	19,994
										76,18,750
Leith in excess of ditto										40,678
Deficiency in 1828-29 - - S. Rs.										75,78,072

ARTICLES EXPORTED TO THE UNITED KINGDOM.

228. The goods or articles of Merchandize exported from hence to the United Kingdom, in the year 1828-29, are detailed or described in the following Statement :

			1827-28.		1828-29.	
EXPORTS :			Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	pieces	50,654	3,05,683	32,626	1,93,010
Silk Piece Goods	-	—	1,53,977	13,01,174	93,529	8,34,215
Embroidered Piece Goods	-	—	47	1,688	180	4,198
Shawls	-	—	319	41,616	436	74,982
Indigo	-	maunds	1,10,391	1,55,49,593	74,896	94,40,672
Sugar	-	—	1,58,165	13,26,479	2,54,525	22,71,519
Silk	-	—	13,677	81,78,672	18,723	92,48,824
Grain	-	—	1,87,474	4,01,281	2,51,719	5,15,687
Saltpetre	-	—	2,77,074	11,50,931	2,83,987	12,41,225
Gums	-	—	2,661	22,358	445	4,565
Cotton	-	—	17,058	2,68,887	14,536	1,82,971
Gunnies and Gunny Bags	-	pieces	7,250	360	2,60,700	15,990
Lac Dye	-	maunds	8,377	7,74,204	7,219	5,15,429
Shell Lac	-	—	5,379	99,376	8,160	1,52,600

III.
External
and Internal
Commerce.
—
(1.)
BENGAL.

EXPORTS— <i>continued.</i>				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
Stick and Seed Lac - - -	maunds	1,899	8,354	571	1,315		
Turmeric - - - - -	—	7,789	23,883	10,228	34,363		
Castor Oil - - - - -	—	1,974	33,403	3,300	53,339		
Safflower - - - - -	—	1,907	47,988	2,538	66,474		
Skins and Hides - - -	—	-	27,089	-	24,368		
Lead, of sorts - - - -	maunds	440	1,721	4,327	8,656		
Ginger - - - - -	—	4,395	13,190	4,294	15,860		
Elephants Teeth - - -	—	207	21,242	155	15,924		
Salammoniac - - - - -	—	392	8,011	573	9,168		
Borax and Tincal - - -	—	439	8,052	1,807	31,887		
Salt Provision - - - -	-	-	19,801	-	35,647		
Canvas - - - - -	bolts	-	-	419	3,992		
Hemp, Flax and Twine -	maunds	11,833	52,300	14,990	60,248		
Soap - - - - -	—	-	-	180	1,761		
Jute Rope - - - - -	—	4,239	9,729	14,565	25,903		
Munjeet - - - - -	—	939	8,601	2,924	17,041		
Carpets and Blankets -	pieces	782	1,258	293	6,267		
Books - - - - -	-	-	8,740	-	17,751		
Saul Timbers - - - - -	-	-	2,144	-	7,958		
Coomarcolly Feathers -	-	-	51,820	-	31,338		
Carriages - - - - -	-	-	-	-	5,000		
Country Sundries - - -	-	-	44,158	-	55,473		
Cloves - - - - -	maunds	1,366	63,339	43	2,919		
Nutmegs - - - - -	—	106	9,435	19	1,729		
Mace - - - - -	—	80	8,293	3	270		
Cardamunds - - - - -	—	-	-	36	4,188		
Madeira Wine - - - -	pipes	326	1,17,455	158½	63,723		
Liquor - - - - -	-	-	20,397	-	36,261		
Pepper - - - - -	maunds	6,132	51,143	813	8,500		
Copper, British - - - -	—	-	-	105	4,863		
Copper, Foreign - - - -	—	-	-	869	20,864		
Cassia - - - - -	—	1,193	31,180	1,634	32,816		
Tin Plates and Ware - -	-	-	9,975	-	2,001		
Coffee - - - - -	maunds	2,159	46,007	1,067	22,399		
Rattans - - - - -	-	-	20,311	-	35,018		
Gall Nuts - - - - -	maunds	1,421	30,199	728	13,185		
Sago - - - - -	—	349	3,154	362	2,793		
Camphire - - - - -	—	452	22,311	488	21,466		
Sappan Wood - - - - -	—	541	2,178	1,962	7,386		
Broad Cloth and Woollen, British	-	-	2,210	-	36,244		
Cotton Piece Goods, British	-	-	25,822	-	12,985		
Silk ditto ditto, ditto -	-	-	860	-	2,288		
Cotton Piece Goods, Foreign	-	-	-	-	8,180		
Silk Piece Goods, Foreign	-	-	1,711	-	1,080		
Cubebs - - - - -	maunds	252	12,988	241	10,573		
Mother of Pearls - - -	-	-	4,373	-	11,657		
Nankeens - - - - -	pieces	6,900	9,660	—	—		
Books, Foreign - - - -	-	-	8,831	-	32,509		
Tortoise-shell - - - -	maunds	25	19,515	35	40,132		
Gums, Foreign - - - -	—	294	1,871	2,305	21,680		
Instruments, Musical -	-	-	-	-	19,327		
Europe Sundries - - -	-	-	83,276	-	63,808		
Treasure - - -				3,04,20,280	-	2,57,66,464	
Deduct - - -				41,65,699	-	12,41,443	
Net Decrease - - S. Rs.				3,45,85,979	-	2,70,07,907	
				2,70,07,907	-	-	
				75,78,072	-	-	
Decrease, Merchandize - -				46,53,816	-	-	
Ditto Treasure - - -				29,24,256	-	-	
				S. Rupees 75,78,072	-	-	

229. Increase has occurred in the value of the under-mentioned Goods :—

						I N C R E A S E.	
						Quantity.	Value.
Embroidered Piece Goods	-	-	-	-	<i>pieces</i>	133	2,510
Shawls	-	-	-	-	—	117	33,360
Sugar	-	-	-	-	<i>maunds</i>	96,360	9,45,040
Silk	-	-	-	-	—	5,046	10,70,152
Grain	-	-	-	-	—	64,235	1,14,400
Saltpetre	-	-	-	-	—	6,913	90,294
Gunnies and Gunny Bags	-	-	-	-	<i>pieces</i>	2,53,450	15,630
Shell Lac	-	-	-	-	<i>maunds</i>	2,781	53,224
Turmeric	-	-	-	-	—	2,439	10,480
Castor Oil	-	-	-	-	—	1,326	19,936
Safflower	-	-	-	-	—	631	18,486
Seeds, of sorts	-	-	-	-	—	3,887	6,935
Ginger	-	-	-	-	—	-	2,670
Salammoniac	-	-	-	-	—	181	1,157
Borax and Tincal	-	-	-	-	—	1,368	23,835
Salt Provision	-	-	-	-	-	-	15,846
Canvas	-	-	-	-	<i>bolts</i>	419	3,992
Hemp, Flax and Twine	-	-	-	-	<i>maunds</i>	3,157	7,948
Soap	-	-	-	-	—	180	1,761
Jute Rope	-	-	-	-	—	10,326	16,174
Munjeet	-	-	-	-	—	1,985	8,440
Carpets and Blankets	-	-	-	-	-	-	5,009
Books	-	-	-	-	-	-	9,011
Saul Timber	-	-	-	-	-	-	5,814
Carriages	-	-	-	-	-	-	5,000
Country sundries	-	-	-	-	-	-	11,315
Cardamunds	-	-	-	-	<i>maunds</i>	36	4,188
Liquor	-	-	-	-	-	-	15,864
Copper, British	-	-	-	-	<i>maunds</i>	105	4,863
Copper, Foreign	-	-	-	-	—	869	20,864
Cassia	-	-	-	-	—	441	1,636
Rattans	-	-	-	-	-	-	14,707
Sago	-	-	-	-	<i>maunds</i>	13	—
Camphire	-	-	-	-	—	36	—
Sappan Wood	-	-	-	-	—	1,421	5,208
Broad Cloth and Woollen, British	-	-	-	-	-	-	34,034
Silk Piece Goods, British	-	-	-	-	-	-	1,428
Cotton Piece Goods, Foreign	-	-	-	-	-	-	8,180
Mother of Pearl	-	-	-	-	-	-	7,284
Books, Foreign	-	-	-	-	-	-	23,678
Tortoise-shell	-	-	-	-	<i>maunds</i>	10 $\frac{1}{2}$	20,617
Gums, Foreign	-	-	-	-	—	2,011	19,809
Instruments, Musical	-	-	-	-	-	-	19,327
						<i>S. Rs.</i>	27,00,118

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

230. And Decrease, as compared with the operations of the year 1827-28, on the Shipment of Goods, as below enumerated, viz.—

						D E C R E A S E,	
						Quantity.	Value.
Cotton Piece Goods	-	-	-	-	<i>pieces</i>	18,028	1,12,673
Silk Piece Goods	-	-	-	-	—	60,448	4,66,959
Indigo	-	-	-	-	<i>maunds</i>	35,495	61,08,921
Gums	-	-	-	-	—	2,216	17,793
Cotton	-	-	-	-	—	2,552	85,916
Lac Dye	-	-	-	-	—	1,158	2,58,775
Stick and Seed Lac	-	-	-	-	—	1,328	7,039
Skins and Hides	-	-	-	-	-	-	2,721

(continued)

III. External and Internal Commerce.										DECREASE.	
(1.)										Quantity.	Value.
B E N G A L.											
Ginger	-	-	-	-	-	-	-	-	maunds	101	--
Elephants Teeth	-	-	-	-	-	-	-	-	—	52	5,318
Carpets and Blankets	-	-	-	-	-	-	-	-	pieces	489	--
Coomarcolly Feathers	-	-	-	-	-	-	-	-	-	-	20,482
Cloves	-	-	-	-	-	-	-	-	maunds	1,323	60,420
Nutmegs	-	-	-	-	-	-	-	-	—	87	7,706
Mace	-	-	-	-	-	-	-	-	—	77	8,023
Madeira Wine	-	-	-	-	-	-	-	-	- pipes	167 $\frac{3}{4}$	53,732
Pepper	-	-	-	-	-	-	-	-	maunds	5,319	42,643
Tin Plates and Ware	-	-	-	-	-	-	-	-	-	-	7,974
Coffee	-	-	-	-	-	-	-	-	maunds	1,092	23,608
Gall Nuts	-	-	-	-	-	-	-	-	—	692	17,014
Sago	-	-	-	-	-	-	-	-	-	-	361
Camphire	-	-	-	-	-	-	-	-	-	-	845
Cotton Piece Goods, British	-	-	-	-	-	-	-	-	-	-	12,837
Silk - ditto - Foreign	-	-	-	-	-	-	-	-	-	-	631
Cubebs	-	-	-	-	-	-	-	-	maunds	11	2,415
Nankeens	-	-	-	-	-	-	-	-	pieces	6,900	9,660
Europe Sundries	-	-	-	-	-	-	-	-	-	-	19,448
											73,53,934
Treasure - - -											29,24,256
										S. Rs.	1,02,78,190

231. In paragraph 223, we have given the value of Goods shipped to the United Kingdom, at sicca rupees 2,70,07,907; but, according to the rule adopted in paragraph 183, the state of the Export Trade with Great Britain, in the year under consideration, will be found to be as follows:—

The Honourable Company's Investments, valuation given at cost, S. Rs.	1,41,26,165
The Private Trade - - - - - S. Rs.	1,28,81,742
Add difference of value on maunds 63,737 of Indigo, at 130 per maund - - - - -	82,85,810
Add of maunds 5,114 of Raw Silk, at 3/12 per seer - -	7,67,100
Add 5 per cent. on the sum of Exports, less Treasure, sicca rupees 1,16,40,299 - - - - -	5,82,015
	22,51,667
Approximate Value of Exports - - - S. Rs.	3,66,42,832

232. This, compared with a similar average for the previous year, will give the result at sicca rupees 96,55,403 deficiency in the year under consideration.

233. But if we compare the official value of the two years, the difference will be found to be a decrease, in the year 1828–29, of sicca rupees 75,78,072.

234. Comparing the Exportations on account of the Honourable Company with the value of Shipments for Private Trade, the difference will be found to be, the latter less than the former, by sicca rupees 12,44,423; but if we add to the amount of the Private Trade, the difference between official and market value on Indigo and Raw Silk, and moreover enhance the aggregate of official valuation 5 per cent., so as to bring it to an equality with the valuation that is given of the Honourable Company's investments, we shall find the Private Trade to exceed the valuation of the Honourable Company's investments by sicca rupees 83,90,517.

235. Comparing the official value of the Imports with the Exports to the United Kingdom, in the year 1828–29, the latter will be found to exceed the former by sicca rupees 45,78,099: produced by the following exhibit of the respective Trades; viz.—

Honourable

Honourable Company's Imports	-	-	-	3,98,330	
Ditto - - Ditto - Exports	-	-	-	1,41,26,165	
Exports exceeding Imports by	-	-	-		1,37,27,835
Private Trade Imports	-	-	-	2,20,31,478	
Ditto - - Exports	-	-	-	1,28,81,742	
Imports in excess of Exports	-	-	-		91,49,736
Exports above Imports, S. Rs.					45,78,099

III.
External
and Internal
Commerce.

(1.)
BENGAL.

236. The discrepancy, or rather deficiency, in the value of Exports on Private Trade compared with its Imports, is met by the difference between official and market value of Indigo and Raw Silk; and where this is insufficient, the deficit is provided for by bills.

GENERAL OBSERVATIONS on the TRADE with GREAT BRITAIN.

237. The Trade with Great Britain, in the articles of Cotton Piece Goods and Twist, the most conspicuous of our Imports, was carried within this year to a very large extent, so as to have exceeded, we fear, much, the consumption demand for them. The import also of all other articles has far exceeded the demand. The mischievous effect of this state of things, and of the increase of the paper currency, has already begun to be felt, and must be more and more experienced, we conceive, until a totally different system is adopted.

FRANCE.

238. The intercourse with this Kingdom, in the year 1828-29, in commercial relations, and as regards Importations from thence, amounted to sicca rupees 22,04,250; of which value, Merchandize or Goods involves sicca rupees 17,10,434, and Treasure sicca rupees 4,93,816. The result, compared with the transactions of the previous year, gives a decrease of sicca rupees 1,08,216, comprehending a decline in the value of Treasure sicca rupees 4,34,730, and an increase on that of merchandize, sicca rupees 3,26,514.

Imports;
France.

239. The articles imported from France are detailed in the following Schedule:—

IMPORTS :				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
Alum	-	-	-	maunds	-	987	3,826
Beads	-	-	-	-	432	-	13,348
Brandy	-	-	-	-	1,51,075	-	3,68,576
Brimstone	-	-	-	maunds	6,300	1,833	6,526
Broad Cloth and Woollen, Foreign	-	-	-	-	37,107	-	11,210
Confectionery	-	-	-	-	15,896	-	11,809
Copper, Foreign	-	-	-	maunds	654	650	27,022
Corals	-	-	-	-	20,449	-	4,843
Corks	-	-	-	-	20,395	-	17,744
Claret, Foreign	-	-	-	-	1,91,881	-	5,11,934
Champaign and Burgundy	-	-	-	-	88,149	-	1,10,636
Cards	-	-	-	-	260	-	3,587
Cochineal	-	-	-	maunds	8	134	51,808
Cloves	-	-	-	—	661	1,514	46,238
Fowling-Pieces and Pistols	-	-	-	-	6,461	-	540
Grocery	-	-	-	-	4,691	-	1,869
Glass-Ware	-	-	-	-	16,339	-	20,271
Gold Thread and Lace	-	-	-	-	5,726	-	14,974
Iron, British	-	-	-	maunds	812	489	2,674
Iron, Foreign	-	-	-	—	290	—	—
Instruments, Musical	-	-	-	-	11,792	-	9,698
Jewellery	-	-	-	-	6,929	-	1,449
Lead, Foreign	-	-	-	maunds	512	3,549	20,314
Mercery	-	-	-	-	4,807	—	—

III.
External
and Internal
Commerce.

(1.)
BENGAL.

FRANCE.—IMPORTS—continued.					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
Millinery - - - - -	-	-	-	-	-	1,98,425	-	1,54,657
Malt Liquor - - - - -	-	-	-	-	-	11,524	-	7,547
Medicine - - - - -	-	-	-	-	-	5,351	-	1,375
Oilman's Stores - - - - -	-	-	-	-	-	19,760	-	14,647
Piece Goods, Cotton, Foreign - - - - -	-	-	-	-	-	18,832	-	27,180
Ditto - - Silk - Ditto - - - - -	-	-	-	-	-	1,51,110	-	22,725
Perfumery - - - - -	-	-	-	-	-	19,339	-	11,820
Queen's Ware - - - - -	-	-	-	-	-	561	-	4,478
Quicksilver - - - - -	-	-	-	-	-	-	83	6,720
Stationery - - - - -	-	-	-	-	-	8,756	-	13,382
Salt Provision - - - - -	-	-	-	-	-	19,047	-	15,928
Sundries - - - - -	-	-	-	-	-	79,375	-	84,142
Spelter - - - - -	-	-	-	-	10,111	69,873	11,018	67,470
Vin de Grave - - - - -	-	-	-	-	-	173	-	11,944
Velvets, Foreign - - - - -	-	-	-	-	-	92,148	-	779
Wines - - - - -	-	-	-	-	-	20,266	-	5,744
Treasure - - - - -					-	13,83,920	-	17,10,434
					-	9,28,546	-	4,93,816
Deduct - - - - -					-	23,12,466	-	22,04,250
Net Decrease - - - - -					-	1,08,216	-	-

Decrease Treasure - - - - - 4,34,730
Deduct Increase Merchandize - - - - - 3,26,514

S. Rs. 1,08,216

240. Comparing the Importations of 1828-29 with those of the preceding year, the results are as follow, viz : Increase in the articles and wares mentioned below to the comparative extent of sicca rupees 7,10,811, as under, viz.

FRANCE.—IMPORTS :					INCREASE.	
					Quantity.	Value.
Alum - - - - -	-	-	-	-	987	3,826
Beads - - - - -	-	-	-	-	-	12,916
Brandy - - - - -	-	-	-	-	-	2,17,501
Copper, Foreign - - - - -	-	-	-	-	-	3,510
Claret, Foreign - - - - -	-	-	-	-	-	3,20,053
Champaign and Burgundy - - - - -	-	-	-	-	-	22,487
Cards - - - - -	-	-	-	-	-	3,327
Cochineal - - - - -	-	-	-	-	126	46,378
Cloves - - - - -	-	-	-	-	853	11,494
Glass-Ware - - - - -	-	-	-	-	-	3,932
Gold Thread and Lace - - - - -	-	-	-	-	-	9,248
Lead, Foreign - - - - -	-	-	-	-	3,037	16,990
Piece Goods, Cotton, Foreign - - - - -	-	-	-	-	-	8,348
Queen's Ware - - - - -	-	-	-	-	-	3,917
Quicksilver - - - - -	-	-	-	-	83	6,720
Stationery - - - - -	-	-	-	-	-	3,626
Sundries - - - - -	-	-	-	-	-	4,767
Spelter - - - - -	-	-	-	-	907	-
Vin de Grave - - - - -	-	-	-	-	-	11,771
					-	7,10,811

241. The comparative decrease or decline in value of goods imported, in the year under consideration, is sicca rupees 8,19,027, occurring in the following cases :

III.
 External
 and Internal
 Commerce.
 (1.)
 BENGAL.

FRANCE.—IMPORTS:					DECREASE.	
					Quantity.	Value.
Brimstone	-	-	-	maunds	4,467	7,486
Broad Cloth and Woollen, Foreign	-	-	-	-	-	25,897
Confectionery	-	-	-	-	-	4,087
Corals	-	-	-	-	-	15,606
Corks	-	-	-	-	-	2,651
Fowling-Pieces and Pistols	-	-	-	-	-	5,921
Grocery	-	-	-	-	-	2,822
Iron, British	-	-	-	maunds	323	2,094
Iron, Foreign	-	-	-	—	290	1,201
Instruments, Musical	-	-	-	-	-	2,094
Jewellery	-	-	-	-	-	5,480
Mercery	-	-	-	-	-	4,807
Millinery	-	-	-	-	-	43,768
Malt Liquor	-	-	-	-	-	3,977
Medicines	-	-	-	-	-	3,976
Oilman's Stores	-	-	-	-	-	5,113
Piece Goods, Silk, Foreign	-	-	-	-	-	1,28,385
Perfumery	-	-	-	-	-	7,519
Salt Provisions	-	-	-	-	-	3,119
Spelter	-	-	-	maunds	-	2,403
Velvets, Foreign	-	-	-	-	-	91,369
Wines	-	-	-	-	-	14,522
Treasure					-	3,84,297
					-	4,34,730
					-	8,19,027

242. The aggregate value of Goods and Wares exported hence to France, within the year 1828-29, was sicca rupees 23,87,107; which, compared with the amount of shipments in the previous year, is a deficiency of sicca rupees 3,12,697; of which sum sicca rupees 2,99,197 is apportioned to Merchandize, and sicca rupees 13,500 to Treasure.

Exports;
 France,

243. The details of Goods and Wares exported to France are represented in the following Statement:

FRANCE.—EXPORTS:				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
Silk Piece Goods	-	-	pieces	314	3,140	961	8,169
Shawls	-	-	—	-	-	4	650
Indigo	-	-	maunds	22,187	22,18,756	19,067	19,06,709
Sugar	-	-	—	3,258	26,075	7,462	59,750
Grain	-	-	—	1,650	2,275	29,924	49,032
Saltpetre	-	-	—	23,215	1,01,372	41,561	1,61,407
Gums	-	-	—	511	5,403	173	1,542
Cotton	-	-	—	732	6,088	110	913
Gunnies and Gunny Bags	-	-	pieces	24,253	3,281	15,000	800
Lac Dye	-	-	maunds	772	76,055	351	31,571
Shell Lac	-	-	—	318	6,282	189	3,774
Turnerick	-	-	—	4,128	14,065	13,042	47,499
Castor Oil	-	-	—	-	-	4	144

III.
External
and Internal
Commerce.
(1.)
BENGAL.

		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value.
FRANCE.—EXPORTS—continued.					
Safflower - - - - -	maunds	3,213	79,570	230	5,517
Soap - - - - -	—	-	-	15	100
Skins and Hides - - - - -	-	-	255	-	360
Country Sundries - - - - -	-	-	9,074	-	12,923
Liquor - - - - -	-	-	1,410	-	6,597
Pepper - - - - -	maunds	3,697	42,076	—	—
Coffee - - - - -	—	2,386	47,785	674	16,406
Camphire - - - - -	—	392	19,995	—	—
Broad Cloth and Woollen, British - - - - -	-	-	8,182	-	358
Gums, Foreign - - - - -	maunds	-	-	1,054	10,475
Tea - - - - -	chests	36	1,490	89	5,716
Glass-Ware - - - - -	-	-	-	-	5,478
Tin - - - - -	maunds	-	-	1,442	31,428
Europe Sundries - - - - -	-	-	13,675	-	19,789
Treasure - - -		-	26,86,304 13,500	-	23,87,107 —
Deduct - - -		-	26,99,804 23,87,107	-	23,87,107
		-	3,12,697	-	-

Decrease, Merchandize - - - - - S. Rs. 2,99,197
Ditto - Treasure - - - - - 13,500

S. Rs. 3,12,697

244. The fluctuations of Increase in the value of particular goods are enumerated below, amounting in the result to sicca rupees 2,46,686, as per Statement, viz.—

		INCREASE.	
		Quantity.	Value.
FRANCE.—EXPORTS :			
Silk Piece Goods - - - - -	pieces	647	5,029
Shawls - - - - -	—	4	650
Sugar - - - - -	maunds	4,204	33,675
Grain - - - - -	—	28,274	46,757
Saltpetre - - - - -	—	18,346	60,035
Turmeric - - - - -	—	8,914	33,434
Castor Oil - - - - -	—	4	144
Soap - - - - -	—	15	100
Skins and Hides - - - - -	-	-	105
Country Sundries - - - - -	-	-	3,849
Liquor - - - - -	-	-	5,187
Gums, Foreign - - - - -	maunds	1,054	10,475
Tea - - - - -	chests	53	4,226
Glass-Ware - - - - -	-	-	5,478
Tin - - - - -	maunds	1,442	31,428
Europe Sundries - - - - -	-	-	6,114
		S. Rs.	2,46,686

And Decrease in the value of goods exported hence, amounting to sicca rupees 5,59,383, as represented in the following Statement, viz.—

FRANCE.—EXPORTS :										DECREASE.	
										Quantity.	Value.
Indigo	-	-	-	-	-	-	-	-	maunds	3,120	3,12,047
Gums	-	-	-	-	-	-	-	-	—	338	3,861
Cotton	-	-	-	-	-	-	-	-	—	622	5,176
Gunnies and Gunny Bags	-	-	-	-	-	-	-	-	pieces	9,250	2,481
Lac Dye	-	-	-	-	-	-	-	-	maunds	421	44,484
Shell Lac	-	-	-	-	-	-	-	-	—	129	2,508
Safflower	-	-	-	-	-	-	-	-	—	2,983	74,053
Pepper	-	-	-	-	-	-	-	-	—	3,697	42,076
Coffee	-	-	-	-	-	-	-	-	—	1,712	31,379
Camphire	-	-	-	-	-	-	-	-	—	392	19,995
Broad Cloth and Woollens, British	-	-	-	-	-	-	-	-	—	-	7,824
											5,45,883
Treasure - -											13,500
											5,59,383

III.
External
and Internal
Commerce.
—
(1.)
B E N G A L.

245. The gross amount value of the trade with France, in the year 1828–29, was sicca rupees 45,91,357; this, compared with the sum of commerce in 1827–28, shows a deficiency of sicca rupees 4,20,913. The comparison between the Imports and Exports of the year under review, is an excess of the latter of sicca rupees 1,82,857, according to the official numbers, but if the true bearings of the case be required to be known, the following may be taken as giving a result approximating to truth; viz.

IMPORTS :											
Value of Goods	-	-	-	-	-	-	-	-	-	17,10,434	
Add, 15 per cent. to bring the value of falsified invoices to truth	-	-	-	-	-	-	-	-	-	2,56,565	
Value of Treasure	-	-	-	-	-	-	-	-	-	4,93,816	
											24,60,815
EXPORTS :											
Value of Goods	-	-	-	-	-	-	-	-	-	23,87,107	
Add, 5 per cent.	-	-	-	-	-	-	-	-	-	1,19,355	
Add, in maunds 19,067 of Indigo, at 130 per maund	-	-	-	-	-	-	-	-	-	24,78,710	
											49,85,172
Exports exceed Imports by - - - S. Rs.											25,24,357

which excess is provided for by bills on London.

246. The Tonnage employed in this trade, in the year under review, consisted of 34 vessels, tons 10,564, in arrivals; and 34 vessels, tons 11,005, in departures; being a comparative increase of 9 vessels, tons 2,417, in the former, and of 9 vessels, tons 3,207, in the latter, as shown in paragraph 168.

Tonnage.

247. Considering the extent of our relations with France, the fluctuation in the amount of Imports may be regarded as of no moment; in the details, however, some important varieties may be remarked. The increase in the imported value of Brandy was sicca rupees 2,17,501; of Clarets, sicca rupees 3,20,053; of Champaign and Burgundy, sicca rupees 22,487, and of Vin de Grave, sicca rupees 11,771. The amount of these was counterbalanced by reductions in the value of Woollens, sicca rupees 25,897; of Corals, sicca rupees 15,606; of Jewellery, sicca rupees 5,480; of Millinery, sicca rupees 43,768; of Silk Piece Goods, sicca rupees 1,28,385; of Velvets, sicca rupees 91,369; and in the value of Treasure, sicca rupees 4,34,730.

248. The outward investments from France in this year were found to be unsaleable by private arrangements, and almost all of them were disposed of at auction. The Clarets sold from 2. 8. to 10 rupees per dozen; Champaign and Burgundy averaged about 16 per dozen, and Brandies about one rupee two annas per gallon. The whole Import trade was understood to have produced a loss of about 20 per cent.

249. The Export trade fluctuated to a greater extent, the comparative decrease being (as already shown) sicca rupees 3,12,697. The principal reduction took place

III.
External
and Internal
Commerce.

(1).
B E N G A L.

place in Indigo, the exported value of which is sicca rupees 3,12,047 less than that of 1827-28. The exportation of Lac Dye had considerably fallen, as also Safflower, Pepper, Coffee and Camphire. The principal increase or augmentation in the value of exported commodities occurred on Sugar, Saltpetre, Grain, Turmeric and Tin.

HAMBURGH.

250. The trade with Hamburg, in the year under consideration, like that of the preceding year, consisted exclusively of Imports, the amount of which was sicca rupees 3,73,232; being, by a comparison with the preceding year, an increase of sicca rupees 2,99,320.

Hamburg.

251. The articles imported from Hamburg are detailed in the following Table :

IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Broad Cloth and Woollen, Foreign -	-	17,578	-	40,938
Cotton Yarn, Foreign - maunds	25	3,658	-	-
Cotton Twist, British -	-	-	207	12,396
Ditto, Foreign -	-	-	462	68,797
Cotton Mule Twist -	12	2,096	-	-
Glass-Ware -	-	3,766	-	7,388
Gin -	-	11,452	-	33,973
Hosiery -	-	-	-	6,160
Hardware -	-	4,700	-	-
Iron, Foreign - maunds	-	-	372	2,107
Millinery -	-	-	-	12,354
Piece Goods, Cotton, Foreign -	-	118	-	55,429
Sundries -	-	10,070	-	56,648
Spelter - maunds	3,851	20,474	14,303	77,042
		73,912	-	3,73,232
		Deduct - - -		73,912
		Net Increase - - S. Rs.		2,99,320

252. The comparative Increase and Decrease being as under :

INCREASE :					
On Broad Cloth and Woollen, Foreign	-	-	-	-	23,360
Cotton Twist, British -	-	-	-	-	12,396
Cotton Twist, Foreign -	-	-	-	-	68,797
Glass-Ware -	-	-	-	-	3,622
Gin -	-	-	-	-	22,521
Hosiery -	-	-	-	-	6,160
Iron, Foreign -	-	-	-	-	2,107
Millinery -	-	-	-	-	12,354
Piece Goods, Cotton, Foreign -	-	-	-	-	55,311
Sundries -	-	-	-	-	46,578
Spelter -	-	-	-	-	56,568
				S. Rs. - -	3,09,774
DECREASE :					
On Cotton Yarn -	-	-	-	-	3,658
Cotton Mule Twist -	-	-	-	-	2,096
Hardware -	-	-	-	-	4,700
				S. Rs. - -	10,454

253. Only one vessel, of tons 254, under the British flag, arrived here from Hamburg, and she returned to Great Britain. The proceeds of the outward investments were remitted or returned by bills of exchange on London. The loss on this adventure was, we believe, great, being not less upon an average than 33 per cent., which it is feared will discourage or narrow future operations.

SWEDEN.

SWEDEN.

254. The aggregate of the trade with Sweden, in the year 1828-29, amounted to sicca rupees 2,57,083, in official valuation; which, compared with the previous year, is an increase of sicca rupees 86,114.

255. The Imports from Sweden are represented at sicca rupees 82,761, affording a comparative increase of sicca rupees 3,269, as per following Statement:

IMPORTS:	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Copper, Foreign - - - maunds	1,812	45,911	638	16,140
Iron, ditto - - - -	1,715	6,315	13,630	55,190
Pitch and Tar - - - -	-	3,653	-	2,390
Steel, Foreign - - - maunds	5,542	20,639	1,430	8,571
Sundries - - - -	-	2,974	-	470
		79,492	-	82,761
		Deduct - - -		79,492
		Net Increase - - S. Rs.		3,269

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

Sweden.

256. The Increase occurs in the article of Iron, the Importation of which exceeds the amount of 1827-28 by sicca rupees 48,875; the Decrease is involved in the following, to the extent respectively mentioned; viz.

	Sicca Rupees.
On Copper, maunds 1,174 - - - -	29,771
Pitch and Tar - - - -	1,263
Steel, maunds 4,112 - - - -	12,068
Sundries - - - -	2,504
	S. Rs. 45,606

257. The articles imported from Sweden are of character and description generally in demand here, although only to a limited quantity. The out-turn of this trade is also generally supposed to be advantageous to the importers.

258. The aggregate value of the Exports, in official numbers, was sicca rupees 1,74,322, presenting an increase of sicca rupees 82,845 compared with the previous year, as per following Schedule:

EXPORTS:	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Silk Piece Goods - - - pieces	-	-	80	620
Indigo - - - - maunds	355	35,503	345	34,513
Sugar - - - -	5,199	41,575	15,719	1,25,708
Grain - - - -	1,100	3,015	-	-
Cotton - - - -	522	4,453	1,282	10,668
Ginger - - - -	60	179	50	150
Country Sundries - - - -	-	3,077	-	242
Europe Sundries - - - -	-	3,675	-	2,421
		91,477	-	1,74,322
		Deduct - - -		91,477
		Net Increase - - S. Rs.		82,845

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

259. The articles shipped to Sweden, on which there was an Increase, consisted of the following :

On Silk Piece Goods, in pieces 80	-	-	-	-	S. Rs.	620
Sugar, maunds 10,520	-	-	-	-	-	84,133
Cotton Wool, maunds 760	-	-	-	-	-	6,215
					S. Rs.	90,968

260. The Decrease occurred in the following goods ; viz.

On Indigo, maunds 10	-	-	-	-	S. Rs.	990
Grain, maunds 1,100	-	-	-	-	-	3,015
Ginger, maunds 10	-	-	-	-	-	29
Country Sundries	-	-	-	-	-	2,835
Europe Sundries	-	-	-	-	-	1,254
					S. Rs.	8,123

261. The difference between Imports and Exports is sicca rupees 91,561, in official valuation, the latter being so much greater than the former ; but if we give the proximate value to the Exports, the amount of difference will be sicca rupees 1,43,351, as per mentioned Statement ; viz.

Amount of Imports	-	-	-	-	-	S. Rs.	82,761
Amount of Exports	-	-	-	-	-	1,74,322	
Add, in maunds 345 of Indigo, at 130 per maund	-	-	-	-	-	44,850	
Add, 5 per cent. on sicca rupees 1,38,810, the amount	-	-	-	-	-		
Exports less the value of Indigo	-	-	-	-	-	6,940	
							2,26,112
Exports in excess of Imports	-	-	-	-	S. Rs.		1,43,351

in which, difference has been met or adjusted upon English credit.

262. The vessels employed in this trade, during the year 1828-29, are one vessel, of tons 468, upon arrivals ; and three upon departures, equal to tons 745 : the two that appear in excess upon the arrivals were vessels of the previous year, that took their departure from hence within the present year.

PORTUGAL.

Portugal.

263. Our commerce with this kingdom, in the year under consideration, was without importations, and the aggregate of shipments was sicca rupees 1,12,433. The comparative difference being a decrease equal to sicca rupees 2,79,476.

264. The valued decline of our Import Trade with Portugal, compared with the previous year, was sicca rupees 1,98,043, as per following Statement :

IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Cotton Foreign - <i>maunds</i>	2,299	78,620	—	—
Piece Goods, Foreign -	-	1,809	—	—
Sundries -	-	6,689	—	—
		87,118		—
Treasure -	-	1,10,925		—
		1,98,043		—
All Decrease.				

265. The

265. The gross value of shipments to Portugal, during the year 1828-29, was sicca rupees 1,12,433; which, compared with the amount of exportations in the year 1827-28, is a deficiency of sicca rupees 81,433, as shown in the following exhibit :

EXPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - <i>pieces</i>	54,002	1,39,699	20,045	60,802
Silk Piece Goods - - - —	2,093	15,466	1,050	6,975
Indigo - - - - - <i>maunds</i>	144	14,428	—	—
Grain - - - - - —	4,000	7,750	4,000	10,000
Saltpetre - - - - - —	936	3,858	2,116	7,517
Gunnies and Gunny Bags - <i>pieces</i>	15,000	2,250	25,800	1,322
Hemp, Flax and Twine - <i>maunds</i>	- - -	- - -	140	1,880
Country Sundries - - - - -	- - -	640	- - -	1,617
Nankeens - - - - - <i>pieces</i>	- - -	- - -	11,275	13,911
Tea - - - - - <i>chests</i>	59	3,935	—	—
Europe Sundries - - - - -	- - -	5,840	- - -	8,409
		1,93,866	- - -	1,12,433
Deduct - - - - -		1,12,433		
Net Decrease - - - - S. Rs.		81,433		

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Portugal.

266. The fluctuations are detailed in the subjoined Statement ; viz.

INCREASE :	
On Grain, value - - - - - S. Rs.	2,250
Saltpetre, maunds 1,180 - - - - -	3,659
Gunny Bags, increase in quantity, pieces 10,800.	
Hemp, Flax, and Twine, maunds 140 - - - - -	1,880
Country Sundries - - - - -	977
Nankeens, pieces 11,275 - - - - -	13,911
Europe Sundries - - - - -	2,569
	S. Rs. 25,246
DECREASE :	
On Cotton Piece Goods, pieces 33,957 - - - - -	78,897
Silk Piece Goods — 1,043 - - - - -	8,491
Indigo, from the absence of exportation in the year under review, maunds 144 - - - - -	14,428
Gunnies, decrease in value - - - - -	928
Tea, chests 59 - - - - -	3,935
	S. Rs. 1,06,679

267. The difference between Imports and Exports, in the year 1828-29, taking the official valuation, is sicca rupees 1,12,433, the latter above the former; but if we reckon in the approximate amount of Exports according to the calculations that have been assumed, that is, by adding 5 per cent. to the official sum of shipments (sicca rupees 5,621), the difference will be found to be sicca rupees 1,18,054, which was, doubtless, paid for by drafts on English credit.

268. There were no arrivals of vessels from Portugal in the year under notice ; and but one ship appears amongst the departures.

269. In our Reports for the last five years, we have remarked on the progressive decline of our trade with Portugal. The exhibit of the year under consideration places it almost on the point of suspension.

III.

External
and Internal
Commerce.

(1.)

BENGAL.

GIBRALTAR AND MALTA.

270. The year under consideration, like the preceding, presents no operations or intercourse with Gibraltar and Malta. We may therefore consider this part of our External Commerce as abandoned for the present.

ASIA.

271. The aggregate of our commerce with the Ports and States of Asia, in the year 1828-29, was sicca rupees 2,77,10,456; which, compared with the previous year, is a deficiency of sicca rupees 1,16,18,685.

272. Of the above-mentioned amount, Imports comprehend sicca rupees 93,46,218; and Exports, sicca rupees 1,83,64,238; the former, compared with the year 1827-28, is deficient sicca rupees 72,10,090; and the latter, sicca rupees 44,08,595, as exhibited in the following Statement:

IMPORTS :	1827-28 :			1828-29.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
Coast of Coromandel - -	4,20,933	61,877	4,82,810	3,99,569	1,31,561	5,31,130
Coast of Malabar - -	4,34,651	150	4,34,801	5,86,354	2,12,287	7,98,641
Coast of Sumatra - -	2,16,160	34,961	2,51,121	-	-	-
Ceylon - - - -	2,19,313	-	2,19,313	33,170	-	33,170
Maldiv Islands - - -	1,01,278	-	1,01,278	89,374	-	89,374
Arabian and Persian Gulfs -	12,66,807	8,60,241	21,27,048	4,93,981	2,84,300	7,78,281
Penang and Eastward - -	3,65,980	1,68,823	5,34,803	11,55,227	4,93,533	16,48,760
Java - - - -	5,06,371	4,86,338	9,92,709	1,25,117	15,828	1,40,945
Manilla - - - -	39,486	14,549	54,035	6,960	24,750	31,710
Pegue - - - -	3,50,893	21,24,252	24,75,145	3,97,146	18,28,145	22,25,291
China - - - -	21,70,668	64,18,027	85,88,695	16,63,521	13,80,307	30,43,828
New South Wales - -	2,25,467	69,083	2,94,550	25,088	-	25,088
S. Rs.	63,18,007	1,02,38,301	1,65,56,308	49,75,507	43,70,711	93,46,218

EXPORTS :	1827-28.			1828-29.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
Coast of Coromandel - -	8,74,966	-	8,74,966	6,51,227	-	6,51,227
Coast of Malabar - -	14,93,262	-	14,93,262	17,09,272	-	17,09,272
Coast of Sumatra - -	55,613	-	55,613	-	-	-
Ceylon - - - -	61,929	-	61,929	29,286	-	29,286
Maldiv Islands - - -	56,922	-	56,922	51,271	-	51,271
Arabian and Persian Gulfs -	22,53,421	1,013	22,54,434	17,98,927	-	17,98,927
Penang and Eastward - -	11,38,076	-	11,38,076	28,66,083	3,02,250	31,68,333
Java - - - -	7,75,023	-	7,75,023	1,74,299	-	1,74,299
Manilla - - - -	1,63,549	-	1,63,549	-	-	-
Pegue - - - -	9,89,152	-	9,89,152	9,35,162	-	9,35,162
China - - - -	1,46,90,342	81,775	1,47,72,117	97,69,876	-	97,69,876
New South Wales - -	1,35,540	2,250	1,37,790	76,585	-	76,585
S. Rs.	2,26,87,795	85,038	2,27,72,833	1,80,61,980	3,02,250	1,83,64,238

THE COAST OF COROMANDEL.

273. The gross amount of our trade with the Coast of Coromandel, in the year 1828-29, was sicca rupees 11,82,357, in which, compared with the result of the previous year, is a decrease of sicca rupees 1,75,419.

Imports.

274. The aggregate of Imports, in the year under consideration, was sicca rupees 5,31,130; comprehending the receipts of Treasure, value sicca rupees 1,31,561; and of Merchandize, sicca rupees 3,99,569. The comparative result between the years being an increase to the value of sicca rupees 48,320, made up by an increase on Treasure sicca rupees 69,684, and a decrease on Merchandize sicca rupees 21,364, as exemplified in the following Table:

COAST

IMPORTS :	1827-28.		1828-29.		III. External and Internal Commerce. (1.) B E N G A L. Coast of Coromandel.
	Quantity.	Value.	Quantity.	Value.	
Beads - - - - -	- -	6,031	- -	183	
Brandy - - - - -	- -	3,926	- -	5,400	
Benjamin - - - - - <i>maunds</i>	- -	-	156	4,202	
Broad Cloth and Woollen, British - - - - -	- -	3,283	- -	16,150	
Copper, British - - - - - <i>maunds</i>	84	3,557	133	5,469	
Copper, Foreign - - - - -	109	3,906	-	-	
Coir - - - - -	2,407	8,966	192	528	
Corals - - - - -	-	20,443	-	-	
Claret, English - - - - - <i>chests</i>	8 $\frac{1}{2}$	3,415	6 $\frac{1}{2}$	2,640	
China Paper - - - - -	-	-	-	4,914	
Chanks - - - - -	-	46,392	-	65,272	
Cocoa-Nuts - - - - -	-	4,656	-	660	
Cocoa-Nut Oil - - - - - <i>maunds</i>	1,817	16,654	483	3,347	
Cocoa-Nut Kernel - - - - -	789	3,466	3,081	8,373	
Cardamums - - - - -	8	619	67	7,907	
Cloves - - - - -	208	12,462	253	11,465	
Ghee - - - - - <i>maunds</i>	216	3,464	410	7,067	
Grain - - - - -	794	706	5,158	5,310	
Indigo - - - - -	61	6,891	209	20,902	
Indigo Seeds - - - - -	1,511	4,921	132	526	
Millinery - - - - -	-	150	-	6,795	
Madeira Wine - - - - - <i>pipes</i>	1 $\frac{1}{2}$	650	11 $\frac{3}{4}$	5,060	
Piece Goods, Cotton, British - - - - -	-	870	-	5,415	
Ditto - ditto - Foreign - - - - -	-	1,37,873	-	32,555	
Ditto - Silk - Ditto - - - - -	-	878	-	2,693	
Port Wine - - - - - <i>dozens</i>	-	-	492	6,156	
Pepper - - - - - <i>maunds</i>	705	8,231	18	181	
Rum and Arrack - - - - -	-	-	-	5,712	
Sandal Wood - - - - - <i>maunds</i>	288	2,589	68	685	
Sappan Wood - - - - -	250	1,231	6,006	12,375	
Skins and Hides - - - - -	-	11,262	-	18,762	
Sundries - - - - -	-	67,822	-	76,750	
Spelter - - - - - <i>maunds</i>	-	-	499	2,961	
Sherry - - - - -	-	192	-	7,158	
Timber and Planks - - - - -	-	-	-	16,771	
Tin - - - - - <i>maunds</i>	811	24,404	416	11,400	
Tea - - - - - <i>chests</i>	30	1,950	170	6,143	
Velvet, Foreign - - - - -	-	7,070	-	-	
Wax - - - - - <i>maunds</i>	45	2,003	270	11,682	
		4,20,933	-	3,99,569	
Treasure - - - - -		61,877	-	1,31,561	
		4,82,810	-	5,31,130	
		Deduct - - -		4,82,810	
		Net Increase - - - S. Rs.		48,320	

275. The fluctuations on the value of the Goods Imported were as under ; viz.

IMPORTS :	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Beads - - - - -	- -	- -	- -	5,848
Brandy - - - - -	- -	1,474	-	-
Benjamin - - - - - <i>maunds</i>	156	4,202	-	-
Broad Cloth and Woollen, British - - - - -	- -	12,867	-	-

(continued)

III.
External
and Internal
Commerce.

(1.)

B E N G A L.

Coast of
Coromandel.

IMPORTS—continued.				INCREASE.		DECREASE.	
				Quantity.	Value.	Quantity.	Value.
Copper, British	-	-	maunds	49	1,912	—	—
Copper, Foreign	-	-	—	-	-	109	3,906
Coir	-	-	—	-	-	2,215	8,438
Corals	-	-	-	-	-	-	20,443
Claret, English	-	-	chests	-	-	1 $\frac{3}{4}$	775
China Paper	-	-	-	-	4,914	—	—
Chanks	-	-	-	-	18,880	—	—
Cocoa-Nuts	-	-	-	-	-	-	3,996
Cocoa-Nut Oil	-	-	maunds	-	-	1,334	13,307
Cocoa-Nut Kernel	-	-	—	2,292	4,907	—	—
Cardamums	-	-	—	59	7,288	—	—
Cloves	-	-	—	45	-	-	997
Ghee	-	-	—	194	3,603	—	—
Grain	-	-	—	4,364	4,604	—	—
Indigo	-	-	—	148	14,011	—	—
Indigo Seeds	-	-	—	-	-	1,379	4,395
Millinery	-	-	—	-	6,645	—	—
Madeira Wine	-	-	pipes	10 $\frac{1}{2}$	4,410	—	—
Piece Goods, Cotton, British	-	-	-	-	4,545	—	—
Ditto - ditto - Foreign	-	-	-	-	-	-	1,05,318
Ditto - Silk - Ditto	-	-	-	-	1,815	—	—
Port Wine	-	-	dozens	492	6,156	—	—
Pepper	-	-	maunds	-	-	687	8,050
Rum and Arrack	-	-	-	-	5,712	—	—
Sandal Wood	-	-	maunds	-	-	220	1,904
Sappan Wood	-	-	—	5,756	11,144	—	—
Skins and Hides	-	-	-	-	7,500	—	—
Sundries	-	-	-	-	8,928	—	—
Spelter	-	-	maunds	499	2,961	—	—
Sherry	-	-	-	-	6,966	—	—
Timber and Planks	-	-	-	-	16,771	—	—
Tin	-	-	maunds	-	-	395	13,004
Tea	-	-	chests	140	4,193	—	—
Velvet, Foreign	-	-	-	-	-	-	7,070
Wax	-	-	maunds	225	9,679	—	—
					1,76,087	-	1,97,451
Decrease				-	69,684	-	—
S. Rs.					2,45,771	-	1,97,451

Exports;
Coast of
Coromandel.

276. The amount of Exports from hence are presented at sicca rupees 6,51,227, confined to Merchandize; which, compared with the previous year, gives a deficiency in the year under consideration of sicca rupees 2,23,739, as shown in the following Statement :

EXPORTS :			1827-28.		1828-29.	
			Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	pieces	11,864	21,788	2,591	5,282
Silk Piece Goods	-	—	8,742	44,053	16,495	70,934
Embroidered ditto ditto	-	—	161	1,806	722	7,478
Shawls	-	—	14	3,680	14	1,086
Sugar	-	maunds	4,429	35,531	5,328	41,843
Silk	-	—	685	1,83,917	779	2,06,774
Grain	-	—	72,025	1,06,183	47,203	70,785
Saltpetre	-	—	212	1,050	220	979
Long Pepper and Roots	-	—	1,259	17,665	1,047	11,204
Gunnies and Gunny Bags	-	pieces	28,075	2,577	69,875	5,216

Seeds

EXPORTS—continued.	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Seeds, of sorts - - - maunds	5,042	12,258	3,122	6,071
Ginger - - - - -	1,113	3,351	610	1,842
Salt Provision - - - -	-	2,676	-	14,220
Borax and Tincal - - - maunds	242	4,466	312	5,811
Canvas - - - - - bolts	1,778	21,582	70	640
Hemp, Flax and Twine - - maunds	269	2,828	56	434
Saul Timber - - - - -	-	3,196	-	12,039
Carriages and Palanquins - - pieces	12	9,285	7	4,400
Country Sundries - - - -	-	44,822	-	21,273
Madeira Wine - - - - pipes	24	6,420	7	2,643
Copper, British - - - maunds	411	17,089	101	4,185
Copper, Foreign - - - -	1,045	42,429	122	4,502
Tin Plates and Ware - - -	-	7,792	-	-
Broad Cloth and Woollen, British -	-	29,289	-	1,886
Cotton Piece Goods, British - -	-	22,163	-	6,776
Ditto ditto, Foreign - - -	-	25,415	-	2,166
Pictures and Prints - - -	-	6,390	-	-
Cutlery - - - - -	-	200	-	6,928
Tea - - - - - chests	107	7,287	12	1,008
Glass-Ware - - - - -	-	22,683	-	8,486
Iron, British - - - - maunds	4,298	17,547	5,676	21,254
Spelter - - - - -	858	8,010	243	1,876
Medicine - - - - -	-	313	-	14,539
Corals - - - - -	-	12,253	-	2,554
Stationery - - - - -	-	1,080	-	6,390
Hosiery - - - - -	-	13,176	-	-
Europe Sundries - - - -	-	1,12,716	-	77,723
		8,74,966	-	6,51,227
Deduct - - -		6,51,227		
Net Decrease - - S. Rs.		2,23,739		

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

Coast of
Coromandel.

227. The changes that were felt in the value of the goods exported from hence to the Coast of Coromandel are detailed in the following exhibit:

EXPORTS :	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - pieces	-	-	9,273	16,506
Silk ditto - - - - -	7,753	26,881	-	-
Embroidered ditto - - -	561	5,672	-	-
Shawls - - - - -	-	-	-	2,594
Sugar - - - - - maunds	899	6,312	-	-
Silk - - - - -	94	22,857	-	-
Grain - - - - -	-	-	24,822	35,398
Saltpetre - - - - -	8	-	-	71
Long Pepper and Roots - -	-	-	212	6,461
Gunnies and Gunny Bags - - pieces	41,800	2,639	-	-
Seeds, of sorts - - - maunds	-	-	1,920	6,187
Ginger - - - - -	-	-	503	1,509
Salt Provision - - - - -	-	11,544	-	-
Borax and Tincal - - - maunds	70	1,345	-	-
Canvas - - - - - bolts	-	-	1,708	20,942
Hemp, Flax and Twine - - maunds	-	-	213	2,394
Saul Timber - - - - -	-	8,843	-	-
Carriages and Palanquin - - pieces	-	-	5	4,885
Country Sundries - - - -	-	-	-	23,549
Madeira Wine - - - - pipes	-	-	17	3,777

(continued)

III.
External
and Internal
Commerce.
—
(1.)
B E N G A L.

EXPORTS— <i>continued.</i>	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Copper, British - - - <i>maunds</i>	- -	- -	310	12,904
Copper, Foreign - - - —	- -	- -	923	37,927
Tin Plates and Wares - - -	- -	- -	- -	7,792
Broad Cloth and Woollen, British - -	- -	- -	- -	27,403
Cotton Piece Goods, British - -	- -	- -	- -	15,387
Ditto - ditto - Foreign - -	- -	- -	- -	23,249
Pictures and Prints - - -	- -	- -	- -	6,390
Cutlery - - - - -	- -	6,728	—	—
Tea - - - - - <i>chests</i>	- -	- -	95	6,279
Glass-Ware - - - - -	- -	- -	- -	14,197
Iron, British - - - <i>maunds</i>	1,378	3,707	—	—
Spelter - - - - -	- -	- -	615	6,134
Medicine - - - - -	- -	14,226	—	—
Corals - - - - -	- -	- -	- -	9,699
Stationery - - - - -	- -	5,310	—	—
Hosiery - - - - -	- -	- -	- -	13,176
Europe Sundries - - - - -	- -	- -	- -	34,993
S. Rs. - - -	- -	1,16,064	- -	3,39,803

278. The difference between Imports and Exports, in the year under consideration, is sicca rupees 1,20,097, which is made up by bills on Madras, and partly by the importations of Salt. The trade of the Coast of Coromandel involves many articles of small value, and is sustained almost entirely by small coasting vessels.

COAST OF MALABAR.

279. The gross value of our intercourse with the Coast of Malabar, in the past year, was sicca rupees 25,07,913, being an increase of sicca rupees 5,79,850 on the operations of the previous year.

Imports ;
Coast of Malabar.

280. The amount of our receipts from ports and places on the Malabar Coast, in the year under consideration, was sicca rupees 7,98,641 ; comprising the value of Merchandize, sicca rupees 5,86,354 ; and of Treasure, sicca rupees 2,12,287 ; the comparative result of the two years being an increase of sicca rupees 3,63,840 ; contained in an improvement on the value of Merchandize sicca rupees 1,51,703, and of Treasure, sicca rupees 2,12,137, as illustrated in the following Schedule :

IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Almonds - - - <i>maunds</i>	200	1,335	736	5,340
Alum - - - - -	155	659	3,085	12,661
Beads - - - - -	- -	3,925	- -	16,798
Copper, Foreign - - <i>maunds</i>	29	1,143	523	22,407
Corals - - - - -	- -	1,380	- -	8,690
Corals, false - - - - -	- -	1,513	- -	8,517
Coffee - - - - - <i>maunds</i>	362	5,918	1,111	24,428
Cocoa-nut Oil - - - —	928	6,658	1,743	8,217
Ditto - Kernel - - - —	2,138	8,689	12,373	36,915
Cotton Yarn, British - - —	7	597	103	10,912
Cotton Twist, Ditto - - —	- -	- -	799	47,889
Cotton Mule Twist, Ditto - - —	397	24,207	114	4,875
Cardamums - - - - -	217	24,330	187	22,418
Cotton - - - - -	5,375	61,926	183	2,192
Glass-ware - - - - -	- -	120	- -	7,601
Ghee - - - - - <i>maunds</i>	428	5,582	—	—
Hardware - - - - -	- -	6,649	—	—

Iron,

IMPORTS— <i>continued</i> .	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Iron, British - - - <i>maunds</i>	313	2,697	98	304
Indigo - - - - -	-	-	115	11,530
Jewellery - - - - -	-	5,625	-	-
Lead, Foreign - - - <i>maunds</i>	194	11,496	-	-
Lamita - - - - -	-	-	-	9,233
Madeira Wine - - - <i>pipes</i>	8	3,200	-	-
Nankeens - - - - - <i>pieces</i>	9,800	13,091	8,590	8,990
Piece Goods, Cotton, British - - -	-	44,433	-	61,254
Piece Goods, Cotton, Foreign - - -	-	2,480	-	12,632
Ditto - - Silk - Ditto - - -	-	10,941	-	8,120
Pepper - - - - - <i>maunds</i>	1,557	18,478	3,200	38,331
Pearls - - - - -	-	24,338	-	24,643
Quicksilver - - - <i>maunds</i>	-	-	54	5,915
Sandal Wood - - - - -	1,221	12,526	257	2,237
Salt - - - - -	-	-	9,512	28,536
Seeds, of Sorts - - - - -	634	8,125	-	-
Sundries - - - - -	-	72,408	-	1,10,851
Timber and Planks - - - - -	-	400	-	4,760
Tea - - - - - <i>chests</i>	912	46,012	35	1,750
Vermilion - - - - -	-	3,770	-	17,408
Treasure - - -		4,34,651	-	5,86,354
		150	-	2,12,287
		4,34,801	-	7,98,641
		Deduct - - -	-	4,34,801
Net Increase - - -		S. Rs.	-	3,63,840
Increase Treasure - - -		-	2,12,137	
Increase Merchandize - - -		-	1,51,703	
		S. Rs.	3,63,840	

III.
External
and Internal
Commerce.
—
(1.)
BENGAL.

281. The fluctuations on the Imports of the year are detailed in the following exhibit:

COAST OF MALABAR.

IMPORTS :	INCREASE.		DECREASE.	
	Quantity	Value.	Quantity.	Value.
Almonds - - - - - <i>maunds</i>	536	4,005	—	—
Alum - - - - -	2,930	12,002	—	—
Beads - - - - -	-	12,873	—	—
Copper, Foreign - - - <i>maunds</i>	494	21,264	—	—
Corals - - - - -	-	7,310	—	—
Corals, False - - - - -	-	7,004	—	—
Coffee - - - - - <i>maunds</i>	749	18,510	—	—
Cocoa-nut Oil - - - - -	815	1,559	—	—
Cocoa-nut Kernel - - - - -	10,235	28,226	—	—
Cotton Yarn, British - - - - -	96	10,315	—	—
Cotton Twist, Ditto - - - - -	799	47,889	—	—
Cotton Mule Twist, Ditto - - - - -	-	-	283	19,332
Cardamums - - - - -	-	-	30	1,912
Cotton - - - - -	-	-	5,192	59,734
Glass-Ware - - - - -	-	7,481	—	—
Ghee - - - - -	-	-	428	5,582
Hardware - - - - -	-	-	-	6,649
Iron, British - - - <i>maunds</i>	-	-	215	2,393

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

IMPORTS—continued.					INCREASE.		DECREASE.	
					Quantity.	Value.	Quantity.	Value.
Indigo - - - -	maunds	115	11,530	-	-	-	-	-
Jewellery - - - -	-	-	-	-	-	-	-	5,625
Lead, Foreign - - - -	maunds	-	-	-	-	-	194	11,496
Lamata - - - -	-	-	9,233	-	-	-	-	-
Madeira Wine - - - -	pipes	-	-	-	-	-	8	3,200
Nankeens - - - -	pieces	-	-	-	-	-	1,210	4,101
Piece Goods, Cotton, British	-	-	16,821	-	-	-	-	-
Piece Goods, Cotton, Foreign	-	-	10,152	-	-	-	-	-
Piece Goods, Silk, Ditto	-	-	-	-	-	-	-	2,821
Pepper - - - -	maunds	1,643	19,853	-	-	-	-	-
Pearls - - - -	-	-	305	-	-	-	-	-
Quicksilver - - - -	maunds	54	5,915	-	-	-	-	-
Sandal Wood - - - -	-	-	-	-	-	-	964	10,289
Salt - - - -	-	9,512	28,536	-	-	-	-	-
Seeds, of Sorts - - - -	-	-	-	-	-	-	634	8,125
Sundries - - - -	-	-	38,443	-	-	-	-	-
Timber and Planks - - - -	-	-	4,360	-	-	-	-	-
Tea - - - -	chests	-	-	-	-	-	877	44,262
Vermilion - - - -	-	-	13,638	-	-	-	-	-
					3,37,224		-	1,85,521
Treasure - -					2,12,137		-	-
					5,49,361		-	1,85,521

Exports.

282. The aggregate of Shipments to the ports and places on the Coast of Malabar, in the year 1828-29, amounted to sicca rupees 17,09,272; which, compared with the year 1827-28, is an increase to the value of sicca rupees 2,16,010, as exemplified in the following Statement:

COAST OF MALABAR.

EXPORTS:					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - -	pieces	17,325	31,318	6,392	21,322			
Silk Piece Goods - -	-	88,846	4,71,444	68,878	3,60,891			
Embroidered ditto - -	-	276	4,009	-	-			
Indigo - - - -	maunds	177	17,704	102	10,286			
Sugar - - - -	-	12,941	1,04,437	62,524	4,93,410			
Silk - - - -	-	766	1,70,867	465	1,05,277			
Grain - - - -	-	1,03,552	1,66,595	1,06,570	1,90,951			
Saltpetre - - - -	-	3,570	12,640	230	948			
Gunnies and Gunny Bags -	pieces	11,11,150	90,363	22,52,435	1,43,378			
Skins and Hides - -	-	-	120	-	327			
Shell Lac - - - -	maunds	843	14,480	62	997			
Stick Lac - - - -	-	1,586	16,419	628	4,337			
Ginger - - - -	-	543	1,635	521	1,502			
Borax and Tincal - -	-	219	4,305	151	3,019			
Long Pepper and Roots -	-	1,335	17,839	768	6,798			
Canvas - - - -	bolts	488	3,721	732	5,318			
Hemp, Flax and Twine -	maunds	188	2,021	427	3,287			
Carriages - - - -	pieces	13	13,608	17	18,700			
Tobacco - - - -	maunds	31	155	230	1,153			
Country Sundries - -	-	-	23,497	-	13,808			
Liquor - - - -	-	-	2,184	-	14,901			
Copper, British - -	maunds	383	14,992	155	6,146			
Copper, Foreign - -	-	57	2,440	-	-			
Broad Cloth and Woollen, British	-	-	1,61,532	-	1,32,733			
Cotton Piece Goods, Ditto	-	-	4,784	-	48,744			
Ditto ditto, Foreign -	-	-	17,448	-	11,407			
Silk ditto, British -	-	-	6,260	-	-			
Ditto ditto, Foreign -	-	-	12,230	-	867			
Cochineal - - - -	maunds	-	-	49	20,214			
							Pearls	

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

EXPORTS—continued.	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Pearls, Diamonds, and Emeralds - -	- -	- -	- -	15,000
Millinery - - - - -	- -	3,467	- -	19,705
Corals - - - - -	- -	11,200	- -	-
Iron, British - - - - maunds	4,931	21,032	309	977
Corks - - - - -	- -	- -	- -	5,050
Lead, British - - - - maunds	1,031	7,650	- -	-
Cordage - - - - -	- -	- -	- -	5,032
Europe sundries - - - -	- -	60,806	- -	42,457
		14,93,262	- -	17,09,272
		Deduct	- -	14,93,262
		Net Increase	- -	2,16,010

283. The changes that mark the operations of the year are contained in the following Statement :

COAST OF MALABAR.

EXPORTS :	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - pieces	- -	- -	10,933	9,996
Silk Piece Goods - - - -	- -	- -	19,968	1,10,553
Embroidered ditto - - - -	- -	- -	276	4,009
Indigo - - - - - maunds	- -	- -	75	7,418
Sugar - - - - -	49,583	3,88,973	- -	-
Silk - - - - -	- -	- -	301	65,590
Grain - - - - -	3,018	24,356	- -	-
Saltpetre - - - - -	- -	- -	3,340	11,692
Gunnies and Gunny Bags - - pieces	11,41,285	53,015	- -	-
Skins and Hides - - - -	- -	207	- -	-
Shell Lac - - - - - maunds	- -	- -	781	13,483
Stick Lac - - - - -	- -	- -	958	12,082
Ginger - - - - -	- -	- -	22	73
Borax and Tincal - - - -	- -	- -	68	1,346
Long Pepper and Roots - - -	- -	- -	567	11,041
Canvas - - - - - bolts	244	1,597	- -	-
Hemp, Flax, and Twine - - maunds	239	1,266	- -	-
Carriages - - - - - pieces	4	5,092	- -	-
Tobacco - - - - - maunds	199	998	- -	-
Country Sundries - - - -	- -	- -	- -	9,689
Liquor - - - - -	- -	12,717	- -	-
Copper, British - - - - maunds	- -	- -	228	8,846
Copper, Foreign - - - -	- -	- -	57	2,440
Broad Cloth and Woollen, British -	- -	- -	- -	28,799
Cotton Piece Goods, British - -	- -	43,960	- -	-
Ditto, Foreign - - - -	- -	- -	- -	6,041
Silk ditto, British - - - -	- -	- -	- -	6,260
Ditto ditto, Foreign - - - -	- -	- -	- -	11,363
Cochineal - - - - - maunds	49	20,214	- -	-
Pearls, Diamonds, and Emeralds -	- -	15,000	- -	-
Millinery - - - - -	- -	16,238	- -	-
Corals - - - - -	- -	- -	- -	11,200
Iron, British - - - - maunds	- -	- -	4,622	20,055
Corks - - - - -	- -	5,050	- -	-
Lead, British - - - - maunds	- -	- -	1,031	7,650
Cordage - - - - -	- -	5,302	- -	-
Europe Sundries - - - -	- -	- -	- -	18,349
		5,93,985	- -	3,77,975

III.
External
and Internal
Commerce.
—
(1.)
BENGAL.

284. The comparative difference between the Imports and Exports, in the year under consideration, was sicca rupees 9,10,631, the former less than the latter. This great deficiency in the value of Imports is met by bills of exchange between the Presidencies of Bombay and Bengal, by importations of Salt, which do not enter into our Trade Reports, and by various small parcels of Corals, Jewellery, and Precious Stones, which are smuggled here.

285. The Import Trade with the Coast of Malabar consists, to a large amount, in the productions of Europe re-shipped to this place for a market. In the produce of China, Ceylon, and Sumatra, those belonging to Malabar, are Cardamums, Indigo, Indigo Seed, Pepper, Sandal Wood, Timber and Wax.

CEYLON.

286. The amount of our commercial intercourse with the Island of Ceylon, in the year under consideration, was sicca rupees 62,456; which, compared with the value of operations in the preceding year, is a deficiency of sicca rupees 2,18,786.

Imports.

287. The aggregate value of Importations from the Island, in the year under consideration, was sicca rupees 33,170, presenting a comparative deficiency of sicca rupees 1,86,143 on the amount of the year 1827-28, as per Statement :

CEYLON.

IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Coir - - - - - maunds	1,494	6,453	272	749
Chanks - - - - -	-	1,45,559	—	—
Cocoa-nuts - - - - -	-	21,821	-	6,523
Cocoa-nut Oil - - - - - maunds	2,665	18,613	1,023	6,090
Pepper - - - - -	1,169	14,507	1,524	18,294
Sandal Wood - - - - -	603	4,219	—	—
Sundries - - - - -	-	8,141	-	1,514
		2,19,313		33,170
Deduct - - -		33,170		
Net Decrease - - - S. Rs.		1,86,143		

288. The Increase and Decrease in the value of imported Goods are exhibited in the following Table :

	Increase.	Decrease.
Coir, maunds 1,222 - - - - -	-	5,704
Chanks - - - - -	-	1,45,559
Cocoa-nuts - - - - -	-	15,298
Cocoa-nut Oil, maunds 1,642 - - - - -	-	12,523
Pepper, maunds 355 - - - - -	3,787	—
Sandal Wood, maunds 603 - - - - -	-	4,219
Sundries - - - - -	-	6,627
S. Rs.	3,787	1,89,930

Exports.

289. The amount of shipments to Ceylon, in the year 1828-29, was sicca rupees 29,288, showing a comparative decrease on the value of the previous year of sicca rupees 32,643, as per following Statement :

CEYLON.

CEYLON.

EXPORTS:	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - <i>pieces</i>	220	220	25	200
Silk - ditto - - - -	529	2,971	—	—
Sugar - - - - - <i>maunds</i>	109	859	93	744
Grain - - - - -	1,700	3,000	4,200	6,588
Gunnies and Gunny Bags - <i>pieces</i>	56,100	2,526	35,000	3,361
Hemp, Flax and Twine - <i>maunds</i>	41	386	21	291
Country Sundries - - - -	-	8,302	-	2,539
Madeira Wine - - - - <i>pipes</i>	20	10,900	—	—
Liquor - - - - -	-	936	-	9,246
Cotton Piece Goods, British - - -	-	10,557	-	4,361
Ditto - ditto, Foreign - - -	-	4,515	—	—
Iron, British - - - - <i>maunds</i>	908	5,069	—	—
Europe Sundries - - - -	-	11,688	-	1,956
		61,929	-	29,286
Deduct - - -		29,286		
Net Decrease - - -		32,643		

III.
External
and Internal
Commerce
(1.)
BENGAL.

Ceylon.

290. The changes in the valuation of our Exported Goods are detailed in the annexed Account; viz.—

	Increase.	Decrease.
Cotton Piece Goods, 195 pieces - - - - -	-	20
Silk Piece Goods, pieces 529 - - - - -	-	2,971
Sugar, maunds 16 - - - - -	-	115
Grain, maunds 2,500 - - - - -	3,588	3,588
Gunnies and Gunny Bags, decrease in quantity, pieces 21,100 -	835	—
Hemp, Flax and Twine, maunds 20 - - - - -	-	95
Country Sundries - - - - -	-	5,763
Madeira Wine, 20 pipes - - - - -	-	10,900
Liquor - - - - -	8,310	—
Cotton Piece Goods, British - - - - -	-	6,196
Ditto - ditto, Foreign - - - - -	-	4,515
Iron, British, maunds 908 - - - - -	-	5,069
Europe Sundries - - - - -	-	9,732
S. Rs.	12,733	45,376

291. The difference between the valuation of Imports and Exports is sicca rupees 3,884; the extraordinary fluctuations in the value of Imported Goods is attributable to the non-receipt of Chanks in the year under consideration, which has occasioned the loss of sicca rupees 1,45,559 upon the Trade Lists, and also to a considerable reduction in the quantity of Cocoa-nut Oil and Cocoa-nuts.

COAST OF SUMATRA.

292. There was no direct intercourse between Bengal and the Ports on the Coast of Sumatra in the year under consideration. The comparative result may be given as under :

Coast of Sumatra.

293. Deficiency on the value of Imported Goods equal to the amount of receipts in the previous year, or sicca rupees 2,51,121.

Imports.

294. Deficiency, under the operations noticed in the foregoing paragraph, sicca rupees 55,613.

Exports.

295. We may consider the trade between Sumatra and Bengal as now nearly abandoned.

296. The following Statements exhibit, in detail, the value of the Goods that were imported from, and exported hence to, Sumatra.

III.

External
and Internal
Commerce.(1.)
BENGAL.Coast of
Sumatra.

COAST OF SUMATRA.

					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
IMPORTS :								
Benjamin	-	-	-	<i>maunds</i>	98	2,300	—	—
Pepper	-	-	-	—	22,418	2,10,428	—	—
Sundries	-	-	-	-	-	3,432	—	—
						2,16,160		
Treasure					-	34,961		
						2,51,121		
					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
EXPORTS :								
Cotton Piece Goods	-	-	-	<i>pieces</i>	2,816	4,651	—	—
Silk Piece Goods	-	-	-	—	1,408	5,439	—	—
Behar Opium	-	-	-	<i>chests</i>	8	10,880	—	—
Benares ditto	-	-	-	—	5	6,525	—	—
Malwa ditto	-	-	-	—	10	14,325	—	—
Country Sundries	-	-	-	-	-	7,392	—	—
Europe Sundries	-	-	-	-	-	6,401	—	—
						55,613		

MALDIVE ISLANDS.

Maldive Islands. 297. The amount value of our External Trade with the Islands of the Maldives, in the year under consideration, was sicca rupees 1,40,645, being a decrease of sicca rupees 17,555 upon the aggregate of the previous year.

Imports. 298. The gross value of Importations from the Islands was sicca rupees 89,374, which is a decrease of sicca rupees 11,904 on the amount of the previous year, as per Statement :

					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
IMPORTS :								
Coir	-	-	-	<i>maunds</i>	5,990	28,741	5,856	16,397
Cocoa-nuts	-	-	-	-	-	55,607	-	46,796
Cowries	-	-	-	<i>maunds</i>	1,094	4,133	895	3,086
Sundries	-	-	-	-	-	661	-	1,206
Tortoise shell	-	-	-	-	-	12,136	-	21,889
						1,01,278	-	89,374
Deduct					-	89,374		
Net Decrease					-	11,904		

299. The fluctuations that have taken place are as noted below ; viz.—

	Increase.	Decrease.
Coir, maunds 134 - - - - -	- - - - -	12,344
Cocoa-nuts - - - - -	- - - - -	8,811
Cowries, maunds 199 - - - - -	- - - - -	1,047
Sundries - - - - -	545	—
Tortoise-shell - - - - -	9,753	—
S. Rs. - -	10,298	22,202

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

Maldivé Islands;
Exports.

300. The amount of Shipments to the Maldivé Islands is sicca rupees 51,271, which, compared with the previous year, is a decline of sicca rupees 5,651 on the valuation of Exportations made in the year 1827–28, as exhibited below ; viz.—

		1827–28.		1828–29.	
EXPORTS :		Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - -	<i>pieces</i>	216	837	61	132
Silk ditto - - - - -	—	20	60	—	—
Sugar - - - - -	<i>maunds</i>	267	2,127	209	1,670
Grain - - - - -	—	33,225	49,300	31,700	48,300
Tobacco - - - - -	—	—	—	24	118
Country Sundries - - - - -	—	—	4,598	—	244
Europe Sundries - - - - -	—	—	—	—	809
		56,922		51,271	
Deduct, - -		51,271			
Net Decrease - -		5,651			

301. The fluctuations that mark the transactions of the year 1828–29 are given in the following Table :

	Increase.	Decrease.
Cotton Piece Goods, pieces 155 - - - - -	- - - - -	705
Silk ditto, ditto 20 - - - - -	- - - - -	60
Sugar, maunds 58 - - - - -	- - - - -	457
Grain, maunds 1,525 - - - - -	- - - - -	1,000
Tobacco, maunds 24 - - - - -	118	—
Country Sundries - - - - -	- - - - -	4,354
Europe Sundries - - - - -	807	—
S. Rs. - -	925	6,576

302. The difference between the valuation of Importations and Exportations is sicca rupees 38,103, the former more than the latter ; and as the trade with the Maldivé Islands is sustained by vessels belonging to the Islands, we cannot account for the discrepancy but by assuming that the balance is met by shipments of coin or bullion, which are not entered in the books of the Custom-house.

PENANG AND EASTWARD.

303. The amount value of our transactions with this portion of the Eastern Archipelago, for the year 1828–29, was sicca rupees 48,17,093, being sicca rupees 31,44,214 above the aggregate of the previous year.

304. The value of our Imports from the ports and places comprised in this arrangement was sicca rupees 16,48,760, comprehending Merchandize, sicca rupees 11,55,227, and Treasure, sicca rupees 4,93,533 : the comparison between the two years embraced in this review being a gross increase, in the year 1828–29, of sicca rupees 11,13,957, contained on an improved importation of Merchandize to the value of sicca rupees 7,89,247, and of Treasure, sicca rupees 3,24,710 ; as shown in the following Statement :—

Imports.

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

PENANG AND EASTWARD.

Imports :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Books - - - - -	- -	100	- -	9,000
Brandy - - - - -	- -	- -	- -	8,245
Beetlenuts - - - - - maunds	14,682	38,123	7,527	15,517
Benjamin - - - - -	- -	- -	245	4,817
Broad Cloth and Woollen, Foreign -	- -	6,564	- -	6,000
Copper, Foreign - - - - -	- -	- -	3,085	1,45,608
Coffee - - - - - maunds	- -	- -	815	9,133
China Petty Goods - - - - -	- -	- -	- -	6,057
Cutch - - - - - maunds	6,110	13,557	8,343	21,599
Long Pepper and Roots - - - - -	- -	- -	708	7,976
Mace - - - - -	41	5,441	51	5,136
Nutmegs - - - - -	147	14,828	405	37,791
Pepper - - - - -	12,361	1,13,115	27,494	2,52,207
Rattans - - - - -	- -	6,156	- -	13,934
Sappan Wood - - - - - maunds	2,787	11,154	11,629	44,444
Sago - - - - -	254	2,689	607	3,525
Skins and Hides - - - - -	- -	- -	- -	6,694
Segars - - - - -	- -	472	- -	11,010
Sundries - - - - -	- -	36,279	- -	53,041
Spelter - - - - - maunds	- -	- -	9,276	58,645
Tin - - - - -	3,997	11,386	15,663	4,00,487
Tortoise-shell - - - - -	- -	- -	- -	7,488
Wax - - - - - maunds	94	4,216	379	17,293
Wearing Apparel - - - - -	- -	- -	- -	9,580
Treasure - - -		3,65,980	- -	11,55,227
		1,68,823	- -	4,93,533
		5,34,803	- -	16,48,760
Deduct - - -				5,34,803
Net Increase - - -				11,13,957
Increase Merchandize - - - - - S. Rs. 7,89,247				
Ditto Treasure - - - - - 3,24,710				
S. Rs. 11,13,957				

305. The Increase and Decrease on the various articles imported, during the year under consideration, are given in the following Table :

Imports :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Books - - - - -	- -	8,900	- -	- -
Brandy - - - - -	- -	8,245	- -	- -
Beetlenuts - - - - - maunds	- -	- -	7,155	22,606
Benjamin - - - - -	245	4,817	- -	- -
Broad Cloth and Woollens, Foreign -	- -	- -	- -	564
Copper, Foreign - - - - - maunds	3,085	1,45,608	- -	- -
Coffee - - - - -	815	9,133	- -	- -
China Petty Goods - - - - -	- -	6,057	- -	- -
Cutch - - - - - maunds	2,233	8,042	- -	- -
Long Pepper and Roots - - - - -	708	7,976	- -	- -

Mace

PENANG AND EASTWARD— IMPORTS— <i>continued</i> .					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
Mace	-	-	-	<i>maunds</i>	10	-	-	305
Nutmegs	-	-	-	—	258	22,963	—	—
Pepper	-	-	-	—	15,133	1,39,092	—	—
Rattans	-	-	-	-	-	7,778	—	—
Sappan Wood	-	-	-	-	8,842	33,290	—	—
Sago	-	-	-	-	353	836	—	—
Skins and Hides	-	-	-	-	-	6,694	—	—
Segars	-	-	-	-	-	10,538	—	—
Sundries	-	-	-	-	-	16,762	—	—
Spelter	-	-	-	<i>maunds</i>	9,276	58,645	—	—
Tin	-	-	-	—	11,666	2,87,201	—	—
Tortoise-shell	-	-	-	-	-	7,488	—	—
Wax	-	-	-	<i>maunds</i>	285	13,077	—	—
Wearing Apparel	-	-	-	-	-	9,580	—	—
						8,12,722	-	23,475
Treasure - - -						3,24,710	-	—
						11,37,432	-	23,475

III.
External
and Internal
Commerce.
—
(1.)
B E N G A L.

Penang
and
Eastward.

306. The aggregate of our Exportations, in the year 1828-29, is sicca rupees 31,68,333; comprehending the value of Merchandize, sicca rupees 28,66,083, and of Treasure, sicca rupees 3,02,250; which results, compared with those of the previous year, are an increase of sicca rupees 20,30,257; divided into Merchandize, sicca rupees 17,28,007, and in Treasure, sicca rupees 3,02,250; as exemplified in the annexed Schedule:

Exports.

EXPORTS:					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	-	<i>pieces</i>	1,40,814	3,32,156	2,17,144	4,22,594
Silk	-	ditto	-	—	590	2,829	954	6,360
Indigo	-	-	-	<i>maunds</i>	9	888	7	675
Grain	-	-	-	—	79,922	1,28,680	41,314	67,679
Behar Opium	-	-	-	<i>chests</i>	210	3,49,901	932	12,49,839
Benares ditto	-	-	-	—	115	1,80,425	650	7,87,451
Saltpetre	-	-	-	<i>maunds</i>	3,839	17,115	1,290	4,639
Cotton	-	-	-	—	-	-	97	1,091
Gunnies and Gunny Bags	-	-	-	<i>pieces</i>	1,92,600	16,408	2,59,385	15,209
Safflower	-	-	-	<i>maunds</i>	-	-	232	5,812
Skins and Hides	-	-	-	-	-	-	-	1,219
Canvas	-	-	-	<i>bolts</i>	985	10,941	665	4,860
Soap	-	-	-	<i>maunds</i>	125	1,244	533	5,111
Carriages	-	-	-	-	-	-	8	6,650
Hemp, Flax and Twine	-	-	-	<i>maunds</i>	48	691	110	888
Tobacco	-	-	-	—	40	128	569	2,711
Country Sundries	-	-	-	-	-	30,706	-	20,085
Liquors	-	-	-	-	-	12,119	-	10,293

III.
External
and Internal
Commerce.

(1.)

B E N G A L.

Penang
and
Eastward.

PENANG AND EASTWARD— EXPORTS— <i>continued</i> .		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value.
Broad Cloth and Woollen, British	-	-	1,834	-	1,63,775
Cotton Piece Goods, British	-	-	18,067	-	52,826
Cochineal	- - - - maunds	-	-	25	10,863
Europe Sundries	- - - -	-	33,944	-	25,453
			11,38,076	-	28,66,083
Treasure	- - -	-	-	-	3,02,250
			11,38,076	-	31,68,333
			Deduct	- - -	11,38,076
			Net Increase	- - -	20,30,257
Increase Merchandize		- - -	S. Rs. 17,28,007		
Ditto Treasure		- - -	-		3,02,250
					20,30,257

307. The fluctuations in the value of the Goods exported hence within the year are shown in the following Statement :

EXPORTS :		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value
Cotton Piece Goods	- - pieces	76,330	90,438	—	—
Silk	- ditto	364	3,531	—	—
Indigo	- - - maunds	-	-	2	213
Grain	- - -	-	-	38,608	61,001
Behar Opium	- - -	722	8,99,938	—	—
Benares ditto	- - -	535	6,07,026	—	—
Saltpetre	- - -	-	-	2,549	12,476
Cotton	- - -	97	1,091	—	—
Gunnies and Gunny Bags	- pieces	66,785	-	-	1,199
Safflower	- - - maunds	232	5,812	—	—
Skins and Hides	- - -	-	1,219	—	—
Canvas	- - - bolts	-	-	320	6,081
Soap	- - - maunds	408	3,867	—	—
Carriages	- - -	8	6,650	—	—
Hemp, Flax and Twine	- - - maunds	62	197	—	—
Tobacco	- - -	529	2,583	—	—
Country Sundries	- - -	-	-	-	10,621
Liquor	- - -	-	-	-	1,826
Broad Cloth and Woollen, British	- - -	-	1,61,941	—	—
Cotton Piece Goods, British	- - -	-	34,759	—	—
Cochineal	- - - maunds	25	10,863	—	—
Europe Sundries	- - -	-	-	-	8,491
			18,29,915	-	1,01,908
Treasure	- - -	-	3,02,250	-	—
			21,32,165	-	1,01,908

308. The comparison between Imports and Exports is a valuation of sicca rupees 15,19,573 in favour of the latter; which difference, or balance of Trade, is met principally by bills of exchange.

JAVA.

309. The aggregate value of our intercourse with Java and its dependencies, in the year 1828-29, was sicca rupees 3,15,244; which, compared with the previous year 1827-28, is a decrease of sicca rupees 14,52,488.

310. The value of Importations, in the year under consideration, was sicca rupees 1,40,945; containing that of Merchandize, sicca rupees 1,25,117; and of Treasure, sicca rupees 15,828. The comparative result being a deficiency of sicca rupees 8,51,764; comprised in the value of Merchandize, sicca rupees 3,81,254; and of Treasure, sicca rupees 4,70,510, as given in the following Schedule :

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Java.

IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Brandy - - - - -	- -	8,867	—	—
Broad Cloth and Woollen, Foreign -	- -	16,195	—	—
Copper, Foreign - - - maunds	6,254	2,53,049	—	—
Camphire - - - - -	113	8,961	—	—
Cubebs - - - - -	217	9,204	—	—
Glass-Ware - - - - -	- -	6,100	—	—
Gin - - - - -	- -	3,789	- -	14,259
Ghee - - - - - maunds	- -	- -	340	5,324
Long Pepper and Roots - - - - -	2,063	16,842	1,032	6,985
Mace - - - - -	253	23,117	24	2,401
Nutmegs - - - - -	219	18,272	67	6,646
Plated-Ware - - - - -	- -	6,100	—	—
Pepper - - - - - maunds	3,961	40,634	1,512	13,613
Rattans - - - - -	- -	7,017	- -	4,478
Silver-Ware - - - - -	- -	9,800	—	—
Sundries - - - - -	- -	29,752	- -	18,732
Sappan Wood - - - - - maunds	2,026	11,103	—	—
Tin - - - - -	1,123	32,537	1,307	33,740
Tortoise-shell - - - - -	- -	- -	- -	12,464
Velvets, Foreign - - - - -	- -	- -	- -	6,480
Wax - - - - - maunds	113	5,032	—	—
Treasure - - -		5,06,371	- -	1,25,117
		4,86,338	- -	15,828
Deduct - - -		9,92,709	- -	1,40,945
Net Decrease - - -		1,40,945		
		8,51,764		
Decrease Merchandize - - - - -		- - - - -	- -	3,81,254
Ditto Treasure - - - - -		- - - - -	- -	4,70,510
				S. Rs. 8,51,764

311. The fluctuations in the value of the Goods that have been imported are described in the following Statement :

IMPORTS :	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Brandy - - - - -	- -	- -	- -	8,867
Broad Cloath and Woollen, Foreign -	- -	- -	- -	16,195
Copper, Foreign - - - maunds	- -	- -	6,254	2,53,049
Camphire - - - - -	- -	- -	113	8,961
Cubebs - - - - -	- -	- -	217	9,204
Glass-Ware - - - - -	- -	- -	- -	6,100

III.
External
and Internal
Commerce.
—
(1.)
B E N G A L.

J A V A—IMPORTS—continued.		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.
Gin - - - - -	-	-	10,470	—	—
Ghee - - - - -	maunds	340	5,324	—	—
Long Pepper and Roots - - - - -	—	-	-	1,031	9,857
Mace - - - - -	—	-	-	229	20,716
Nutmegs - - - - -	—	-	-	152	11,626
Plated-Ware - - - - -	-	-	-	-	6,100
Pepper - - - - -	maunds	-	-	2,449	27,021
Rattans - - - - -	-	-	-	-	2,544
Silver-Ware - - - - -	-	-	-	-	9,800
Sundries - - - - -	-	-	-	-	11,020
Sappan Wood - - - - -	maunds	-	-	2,026	11,103
Tin - - - - -	—	184	1,203	—	—
Tortoise-shell - - - - -	-	-	12,464	—	—
Velvets, Foreign - - - - -	-	-	6,480	—	—
Wax - - - - -	maunds	-	-	113	5,032
			35,941	-	4,17,195
		Treasure - - - - -		4,70,510	

Exports.

312. The gross amount of our Exportations to Java and its dependencies, in the year under notice, was sicca rupees 1,74,299, being a reduction in the value of goods shipped in the previous year of sicca rupees 6,00,724 : as exemplified in the following Statement :

EXPORTS :		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - - -	pieces	1,60,018	3,87,834	17,019	29,031
Silk ditto - - - - -	—	33	173	29	89
Shawls - - - - -	—	24	1,162	8	1,284
Grain - - - - -	maunds	20,480	33,071	2,400	4,025
Behar Opium - - - - -	chests	145	1,80,700	62	1,03,715
Benares Opium - - - - -	—	50	68,475	—	—
Saltpetre - - - - -	maunds	-	-	485	1,939
Gunnies and Gunny Bags - - - - -	pieces	3,58,700	40,967	1,04,400	9,425
Safflower - - - - -	maunds	16	420	10	280
Canvas - - - - -	bolts	825	11,607	—	—
Skins and Hides - - - - -	-	-	-	-	1,399
Soap - - - - -	maunds	305	2,943	200	1,850
Country Sundries - - - - -	-	-	8,859	-	3,479
Cotton Piece Goods, British - - - - -	-	-	6,472	-	3,731
Ditto, Foreign - - - - -	-	-	20,971	—	—
Europe Sundries - - - - -	-	-	11,369	-	4,052
			7,75,023		1,74,299
Deduct - - - - -			1,74,299		
Net Decrease - - - - -			6,00,724		

313. The changes in the value of goods shipped to Java and its dependencies, which marked the operations of the year, are noticed in the following Statement :

J A V A.—E X P O R T S :	I N C R E A S E.		D E C R E A S E.	
	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - - - <i>pieces</i>	- -	- -	1,42,999	3,48,803
Silk ditto - - - - - —	- -	- -	4	84
Shawls - - - - - —	- -	122	16	—
Grain - - - - - <i>maunds</i>	- -	- -	18,080	29,046
Behar Opium - - - - - <i>chests</i>	- -	- -	83	76,985
Benares ditto - - - - - —	- -	- -	50	68,475
Saltpetre - - - - - <i>maunds</i>	485	1,939	—	—
Gunnies and Gunny Bags - - - <i>pieces</i>	- -	- -	2,54,300	31,542
Safflower - - - - - <i>maunds</i>	- -	- -	6	140
Canvas - - - - - <i>bolts</i>	- -	- -	825	11,607
Skins and Hides - - - - - -	- -	1,399	—	—
Soap - - - - - <i>maunds</i>	- -	- -	105	1,093
Country Sundries - - - - - -	- -	- -	- -	5,380
Cotton Piece Goods, British - -	- -	- -	- -	2,741
Ditto, Foreign - - - - - -	- -	- -	- -	20,971
Europe Sundries - - - - - -	- -	- -	- -	7,317
		3,460	- -	6,04,184

III.

External
and Internal
Commerce.

(1.)

B E N G A L.

Java.

314. The difference in the value of goods imported, from goods exported, within the year under notice, is sicca rupees 33,354.

315. The heavy deficiency above noticed is to be attributed to the Dutch Colonial Regulations, which discourage the employment of British ships or vessels in the trade. The falling off of the trade with Java and its dependencies has been gradual ; and we have commented upon the circumstance in our past Reports. The Statement in the margin gives the Imports and Exports of Java for the last five years. In adverting to the discouragement given to the British vessels in Java, we may observe, that a considerable part of the shipments to and from Java are taken to Singapore for re-shipment or trans-shipment there ; the value of which goods goes into the Trade Statement with Penang and Eastward. The principal decrease in the Imports occurs on Copper (Japan), sicca rupees 2,53,049 ; on Spices, sicca rupees 32,342 ; on Pepper, sicca rupees 27,021 ; and on Treasure, sicca rupees 4,70,510. In Exports it is chiefly in Cotton Piece Goods, British and Country, sicca rupees 3,72,515 ; on Opium, sicca rupees 1,45,460 ; in Gunnies, sicca rupees 31,542 ; and in Canvas, sicca rupees 11,607.

	Imports.	Exports.
1824-25 - -	7,26,294	6,28,506
1825-26 - -	9,34,323	7,47,640
1826-27 - -	15,15,304	8,82,194
1827-28 - -	9,92,709	7,75,023
1828-29 - -	1,40,945	1,74,299

MANILLA.

316. The gross amount of our trade with Manilla, in the past year, was sicca rupees 31,710, which result, compared with that of the previous year, is a decrease of sicca rupees 1,85,875. Our intercourse has been confined to Imports within the year under review.

Manilla.

317. The valuation of goods received from Manilla, within the year under notice, was sicca rupees 31,710, which, compared with the previous year, is a deficiency of sicca rupees 22,325. The amount of Importations comprehends the value of Merchandize, sicca rupees 6,960, and of Treasure, sicca rupees 24,750, which, compared with the previous year, shows the first at a reduction of sicca rupees 32,526, and the latter at an increase of sicca rupees 10,201, as shown in the following Statement :

Imports.

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

Manilla.

				1827-28.		1828-29.	
MANILLA.—IMPORTS :				Quantity.	Value.	Quantity.	Value.
Copper, Foreign	-	-	maunds	518	21,891	—	—
Cowries	-	-	—	1,456	5,823	—	—
Sappan Wood	-	-	—	2,019	7,794	3,374	5,850
Segars	-	-	-	-	1,590	—	—
Sundries	-	-	-	-	2,388	1,110	—
				39,486		-	6,960
Treasure	-	-	-	14,549		-	24,750
				54,035		-	31,710
Deduct	-	-	-	31,710			
Net Decrease	-	-	-	22,325			
Decrease Merchandize						32,526	
Deduct Increase Treasure						10,201	
						<u>S. Rs. 22,325</u>	

				Increase.	Decrease.
Copper, maunds	518	-	-	-	21,891
Cowries, maunds	1,456	-	-	-	5,823
Sappan Wood, increase in quantity, maunds	1,355	-	-	-	1,944
Segars	-	-	-	-	1,590
Sundries	-	-	-	-	1,278
				—	32,526
Treasure	-	-	-	10,201	—
S. Rs.				10,201	32,526

318. There were no Shipments to Manilla in the year under consideration ; the comparative result therefore is a deficiency equal to the amount of Exportations in the year 1827-28, which is sicca rupees 1,63,549, as shown in the following Statement :

				1827-28.		1828-29.	
EXPORTS :				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	pieces	45,121	1,07,917	—	—
Silk ditto	-	-	—	174	1,349	—	—
Benares Opium	-	-	chests	18	31,865	—	—
Canvas	-	-	bolts	100	1,800	—	—
Country Sundries	-	-	-	-	483	—	—
Cotton Piece Goods, British	-	-	-	-	9,544	—	—
Copper, Foreign	-	-	maunds	119	5,487	—	—
Europe Sundries	-	-	-	-	5,104	—	—
				1,63,549		—	—

319. The trade with Manilla may be considered as approaching to its suspension.

PEGUE.

320. The aggregate of the Trade with the Burman Territories, in the year under consideration, was sicca rupees 31,60,453; which, contrasted with the amount value of the operations of the previous year, is a decline of sicca rupees 3,03,844.

321. The amount value of Importations of the Trade, in the year 1828-29, was sicca rupees 22,25,291; comprehending that of Merchandize sicca rupees 3,97,146; and of Treasure, sicca rupees 18,28,145; the comparative difference between this and the year 1827-28 being a deficiency of sicca rupees 2,49,854, comprise in a decrease on the value of Treasure, sicca rupees 2,96,107; and an increase in Merchandize, sicca rupees 46,253, as follows:

IMPORTS:	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Arsenic - - - - -	- -	14,391	- -	7,364
Copper, British - - - maunds	- -	-	92	3,858
Copper, Foreign - - - --	453	14,357	292	11,843
Cutch - - - - -	1,292	3,232	903	3,518
Elephant's Teeth - - - --	40	3,706	79	7,227
Indigo - - - - -	12	1,205	3	289
Masts and Spars - - - pieces	87	5,568	15	600
Metal Bells - - - - -	- -	5,746	- -	-
Sappan Wood - - - - - maunds	967	3,835	8,196	19,756
Sundries - - - - -	- -	29,329	- -	13,237
Stick Lac - - - - - maunds	1,182	15,784	214	2,254
Timber and Planks - - - -	- -	2,49,638	- -	3,27,200
Wax - - - - - maunds	91	4,102	- -	-
		3,50,893	- -	3,97,146
Treasure - - - - -	- -	21,24,252	- -	18,28,145
		24,75,145	- -	22,25,291
Deduct - - - - -	- -	22,25,291	- -	-
Net Decrease - - - - -	- -	2,49,854	- -	-
Decrease Treasure - - - - -		- -	- -	2,96,107
Deduct Increase Merchandize - - - -		- -	- -	46,253
		S. Rs. 2,49,854		

III.
External
and Internal
Commerce.
(1.)
BENGAL.

Pegue;
Imports.

322. The details of the Increase and Decrease in the value of our receipts are noted in the annexed Statement; viz.

IMPORTS:	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Arsenic - - - - -	- -	-	- -	7,027
Copper, British - - - maunds	92	3,858	- -	-
Copper, Foreign - - - --	- -	-	161	2,514
Cutch - - - - -	- -	286	389	-
Elephant's Teeth - - - --	39	3,521	- -	-
Indigo - - - - -	- -	-	9	916
Masts and Spars - - - pieces	- -	-	72	4,968
Metal Bells - - - - -	- -	-	- -	5,746
Sappan Wood - - - - - maunds	7,229	15,921	- -	-
Sundries - - - - -	- -	-	- -	16,092
Stick Lac - - - - - maunds	- -	-	968	13,530
Timber and Planks - - - -	- -	77,562	- -	-
Wax - - - - - maunds	- -	-	91	4,102
		1,01,148	- -	54,895
Treasure - - - - -	- -	-	- -	2,96,107

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

323. The aggregate of our Shipments in the year under review amounted in value to sicca rupees 9,35,162, giving a decrease of sicca rupees 53,990 on the comparison with the year 1827-28, as illustrated in the following Schedule :

(1.) ENGAL.				1827-28.		1828-29.		
PEGUE.—EXPORTS :				Quantity.	Value.	Quantity.	Value.	
Pegue ;	Cotton Piece Goods	-	-	pieces	13,335	28,443	18,623	36,076
Exports.	Silk ditto	-	-	—	3,716	19,297	1,559	8,451
	Shawls	-	-	—	1	250	3	165
	Indigo	-	-	maunds	8	793	—	—
	Sugar	-	-	—	723	5,894	597	4,773
	Grain	-	-	—	1,80,201	2,78,687	33,802	53,728
	Bengal Rum	-	-	gallons	3,014	3,579	—	—
	Behar Opium	-	-	chests	1	1,230	4	4,830
	Benares ditto	-	-	—	-	-	3	4,450
	Saltpetre	-	-	maunds	27	121	37	149
	Gunnies and Gunny Bags	-	-	pieces	-	-	20,300	1,487
	Skins and Hides	-	-	-	-	406	—	—
	Safflower	-	-	maunds	-	-	30	760
	Ginger	-	-	—	35	105	—	—
	Wearing Apparel	-	-	-	-	11,984	-	10,947
	Salt Provisions	-	-	-	-	3,094	-	10,970
	Canvas	-	-	bolts	58	1,198	—	—
	Soap	-	-	maunds	65	652	89	886
	Hemp, Flax and Twine	-	-	—	132	1,496	26	278
	Carpets and Blankets	-	-	pieces	153	350	265	463
	Tobacco	-	-	maunds	379	868	436	1,831
	Country Sundries	-	-	-	-	23,421	-	19,641
	Liquor	-	-	-	-	17,011	-	30,891
	Copper, British	-	-	maunds	202	9,831	14	576
	Broad Cloth and Woollens, British	-	-	-	-	42,943	-	72,078
	Cotton Piece Goods, Ditto	-	-	-	-	4,69,112	-	4,84,611
	Silk ditto	-	-	-	-	3,837	-	1,09,882
	Cotton ditto, Foreign	-	-	-	-	4,262	-	14,615
	Glass-ware	-	-	-	-	1,873	-	8,356
	Europe Sundries	-	-	-	-	58,415	-	54,268
						9,89,152	-	9,35,162
Deduct					-	9,35,162		
Net Decrease					-	53,990		

324. The fluctuations which occasion the decline in the value of our Exportations, in the year under consideration, are shown in the annexed Table ; viz.—

				INCREASE.		DECREASE.	
EXPORTS :				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	pieces	5,288	7,633	-	-
Silk ditto	-	-	-	-	-	2,157	10,846
Shawls	-	-	-	2	-	-	85
Indigo	-	-	maunds	-	-	8	793
Sugar	-	-	-	-	-	126	1,121
Grain	-	-	-	-	-	1,46,399	2,24,959
Bengal Rum	-	-	gallons	-	-	3,014	3,579
Behar Opium	-	-	chests	3	3,600	-	-
Benares ditto	-	-	-	3	4,450	-	-
Saltpetre	-	-	maunds	10	28	-	-
Gunnies and Gunny Bags	-	-	pieces	20,300	1,487	-	-
Skins and Hides	-	-	-	-	-	-	406
Safflower	-	-	maunds	30	760	-	-
Ginger	-	-	-	-	-	35	105

PEGUE--EXPORTS--continued.	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Wearing Apparel - - - -	- -	- -	- -	1,037
Salt Provisions - - - -	- -	7,876	- -	-
Canvas - - - - bolts	- -	- -	58	1,198
Soap - - - - maunds	24	234	-	-
Hemp, Flax and Twine - -	- -	- -	106	1,218
Carpets and Blankets - -	112	113	-	-
Tobacco - - - - maunds	57	963	-	-
Country Sundries - - - -	- -	- -	- -	3,780
Liquor - - - - -	- -	13,880	- -	-
Copper, British - - - - maunds	- -	- -	188	9,255
Broad Cloth and Woollen, British	- -	29,135	-	-
Cotton Piece Goods, British	- -	15,499	-	-
Silk - ditto - Ditto - -	- -	1,06,045	-	-
Cotton - ditto - Foreign - -	- -	10,353	-	-
Glass-ware - - - - -	- -	6,483	-	-
Europe Sundries - - - -	- -	- -	- -	4,147
		2,08,539	- -	2,62,529

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Pegue.

325. Imports, compared with the Exports of the year, present a difference of sicca rupees 12,90,129, the former in excess of the latter; the value of Bullion or Treasure, imported from the Burman provinces on account of the Government, amount to sicca rupees 14,87,570, which, having as usual entered into the Trade Reports, serves to create the balance against Exports, which would otherwise preponderate; this private commercial difference is adjusted by Government and private bills on Bengal and Madras. Without reckoning on Government Commissariat supplies, this trade with the Burman territories may be valued at sicca rupees 8,00,000 Exports per annum, and Imports, sicca rupees 5,00,000; together, sicca rupees 13,00,000. It is principally in the hands of Armenian, Greek, Arab and Mogul speculators.

ARABIAN AND PERSIAN GULFS.

326. The total amount of our Trade with Arabian and Persian, in the year 1828-29, was sicca rupees 25,77,208; which, compared with the aggregate value of the previous year, is a decrease of sicca rupees 18,04,274.

(orig.)

327. The amount value of goods imported into Bengal, from the place under present notice, was sicca rupees 7,78,281; this, contrasted with the result of the previous year, is a deficiency of sicca rupees 13,48,767. The amount of Merchandize imported is sicca rupees 4,93,981, and of Treasure, sicca rupees 2,84,300; the comparative difference being a decline of sicca rupees 7,72,826 in the value of the former, and sicca rupees 5,75,941 of the latter, as presented in the following Statement:

Imports.

IMPORTS:	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Almonds - - - - maunds	4,244	28,302	3,640	26,694
Aloes - - - - -	181	2,441	430	6,469
Assafœtida - - - -	139	1,111	311	2,693
Brimstone - - - -	13,006	31,210	5,251	9,636
Copper, Foreign - - -	12,309	475,643	591	29,251
Coir - - - - -	7,876	24,443	-	-
Corals - - - - -	-	91,566	-	8,228
Corals, False - - -	-	42,539	-	17,248
Coffee - - - - maunds	4,596	98,460	2,829	68,382

(continued)

III. External and Internal Commerce.		1827-28.		1828-29.		
ARABIAN AND PERSIAN GULFS—		Quantity.	Value.	Quantity.	Value.	
IMPORTS— <i>continued.</i>						
(1.) BENGAL.						
Arabian and Persian Gulfs.	Cocoa-nut Oil - - - - <i>maunds</i>	1,722	14,874	46	321	
	Ditto - Kernel - - - - —	1,652	8,112	2,518	6,955	
	Cowries - - - - - —	12,946	19,516	18,735	25,942	
	Cotton Twist - - - - - —	196	9,103	—	—	
	Cotton - - - - - —	825	9,067	371	3,814	
	Dates - - - - - —	12,162	35,741	20,326	47,275	
	Gall Nuts - - - - - —	1,813	35,877	625	10,405	
	Gums - - - - - —	7,357	62,146	5,006	47,951	
	Lamita - - - - - —	- - -	44,416	- - -	24,499	
	Piece Goods, Cotton, British - - -	- - -	34,785	- - -	5,457	
	Ditto - ditto Foreign - - -	- - -	2,259	- - -	3,421	
	Ditto - Silk - Ditto - - -	- - -	3,513	- - -	537	
	Pepper - - - - - <i>maunds</i>	2,545	30,530	1,039	12,457	
	Pearls, Diamonds and Emeralds - - -	- - -	26,438	- - -	26,400	
	Raisins - - - - - —	- - -	5,788	- - -	6,462	
	Sandal Wood - - - - - <i>maunds</i>	1,409	14,738	12	171	
	Sherauz Wine - - - - - —	- - -	1,561	- - -	9,178	
	Sundries - - - - - —	- - -	1,11,831	- - -	76,525	
	Senna Leaf - - - - - <i>maunds</i>	114	797	1,090	6,479	
	Salt - - - - - —	- - -	- - -	1,719	5,156	
	Vermilion - - - - - —	- - -	- - -	- - -	5,975	
				12,66,807	- - -	4,93,981
		Treasure - - - - -	- - -	8,60,241	- - -	2,84,300
				21,27,048	- - -	7,78,281
		Deduct - - - - -	- - -	7,78,281		
	Net Decrease - - - - -	- - -	13,48,767			
Decrease Merchandize - - - - -		- - -	7,72,826			
Ditto Treasure - - - - -		- - -	5,75,941			
			S. Rs. 13,48,767			

328. The Increase and Decrease on the several Articles forming the Import Trade with Arabia and Persia, in the year under notice, are detailed in the annexed Table; viz.—

IMPORTS :		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.
	Almonds - - - - - maunds	—	—	640	1,608
	Aloes - - - - - —	249	4,028	—	—
	Assafœtida - - - - - —	172	1,582	—	—
	Brimstone - - - - - —	—	—	7,755	21,574
	Copper, Foreign - - - - - —	—	—	11,718	4,46,392
	Coir - - - - - —	—	—	7,876	24,443
	Corals - - - - - —	—	—	—	83,338
	Corals, False - - - - - —	—	—	—	25,291
	Coffee - - - - - maunds	—	—	1,767	30,078
	Cocoa-nut Oil - - - - - —	—	—	1,676	14,553
	Cocoa-nut Kernel - - - - - —	866	—	—	1,157
	Cowries - - - - - —	5,789	6,426	—	—
	Cotton Twist - - - - - —	—	—	196	9,103
	Cotton - - - - - —	—	—	454	5,253
	Dates - - - - - —	8,164	11,534	—	—
	Gall Nuts - - - - - —	—	—	1,188	25,472
					Gums

ARABIAN AND PERSIAN GULFS.					INCREASE.		DECREASE.	
IMPORTS— <i>continued</i> .					Quantity.	Value.	Quantity.	Value.
Gums	-	-	-	<i>maunds</i>	-	-	2,351	14,195
Lamita	-	-	-	-	-	-	-	19,917
Piece Goods, Cotton, British	-	-	-	-	-	-	-	29,328
Ditto, ditto, Foreign	-	-	-	-	-	1,162	-	-
Piece Goods, Silk, Foreign	-	-	-	-	-	-	-	2,976
Pepper	-	-	-	<i>maunds</i>	-	-	1,506	18,073
Pearls, Diamonds, and Emeralds	-	-	-	-	-	-	-	38
Raisins	-	-	-	-	-	674	-	-
Sandal Wood	-	-	-	<i>maunds</i>	-	-	1,397	14,567
Sherauz Wine	-	-	-	-	-	7,617	-	-
Sundries	-	-	-	-	-	-	-	35,306
Senna Leaf	-	-	-	<i>maunds</i>	976	5,682	-	-
Salt	-	-	-	-	1,719	5,156	-	-
Vermilion	-	-	-	-	-	5,975	-	-
Treasure					-	49,836	-	8,22,662
					-	-	-	5,75,941

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Arabian
and
Persian Gulfs

329. The total amount of our Shipments to Arabia and Persia, in the year under report, was sicca rupees 17,98,927; exhibiting a decline of sicca rupees 4,55,507 on the result of the previous or year 1827-28, as per following Statement :

Exports.

EXPORTS :					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	-	<i>pieces</i>	2,05,023	5,52,650	1,60,095	4,23,107
Silk ditto	-	-	-	-	44,777	1,87,559	33,499	1,30,217
Embroidered ditto	-	-	-	-	-	-	613	5,288
Shawls	-	-	-	-	96	8,268	-	-
Indigo	-	-	-	<i>maunds</i>	4,642	4,64,197	3,062	3,06,285
Sugar	-	-	-	-	24,134	1,93,351	57,477	4,61,207
Silk	-	-	-	-	43	2,800	1	297
Grain	-	-	-	-	2,58,946	3,97,167	1,56,600	2,47,076
Shell Lac	-	-	-	-	-	-	96	1,196
Stick Lac	-	-	-	-	1,754	23,794	1,414	10,994
Turmeric	-	-	-	-	294	759	-	-
Ginger	-	-	-	-	603	1,809	891	2,660
Salammoniac	-	-	-	-	236	3,762	631	10,177
Canvas	-	-	-	<i>bolts</i>	-	-	12	120
Soap	-	-	-	<i>maunds</i>	-	-	35	363
Hemp, Flax and Twine	-	-	-	-	39	312	49	477
Carpets and Blankets	-	-	-	<i>pieces</i>	27	263	202	653
Tobacco	-	-	-	<i>maunds</i>	101	301	186	980
Country Sundries	-	-	-	-	-	13,462	-	9,006
Broad Cloth and Woollen, British	-	-	-	-	-	17,586	-	6,806
Cotton Piece Goods, British	-	-	-	-	-	3,29,890	-	1,35,324
Iron, British	-	-	-	<i>maunds</i>	91	464	4,440	16,966
Medicine	-	-	-	-	-	9,283	-	126
Europe Sundries	-	-	-	-	-	45,744	-	29,602
Treasure					-	22,53,421	-	17,98,927
					-	1,013	-	-
Deduct					-	22,54,434	-	17,98,927
Net Decrease					-	17,98,927	-	-
					-	4,55,507	-	-
Decrease Merchandize					-	-	-	4,54,494
Ditto Treasure					-	-	-	1,013

S. Rs. 4,55,507

III.

External
and Internal
Commerce.

(1.)

B E N G A L.

330. The fluctuations of the trade are exhibited in the following Schedule :

External
and Internal
Commerce.

(1.)
BENGAL.

EXPORTS:

Arabian
and
Persian Gulfs.

				INCREASE.		DECREASE.	
				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	pieces	-	-	44,928	1,29,543
Silk ditto	-	-	—	-	-	11,278	57,342
Embroidered ditto	-	-	—	613	5,288	—	—
Shawls	-	-	—	-	-	96	8,268
Indigo	-	-	maunds	-	-	1,580	1,57,912
Sugar	-	-	—	33,343	2,67,856	—	—
Silk	-	-	—	-	-	42	2,503
Grain	-	-	—	-	-	2,346	1,50,091
Shell Lac	-	-	—	96	1,196	—	—
Stick Lac	-	-	—	-	-	340	12,800
Turmeric	-	-	—	-	-	294	759
Ginger	-	-	—	288	851	—	—
Salammoniac	-	-	—	395	6,415	—	—
Canvas	-	-	bolts	12	120	—	—
Soap	-	-	maunds	35	365	—	—
Hemp, Flax and Twine	-	-	—	10	165	—	—
Carpets and Blankets	-	-	pieces	175	390	—	—
Tobacco	-	-	maunds	85	679	—	—
Country Sundries	-	-	-	-	-	-	4,456
Broad Cloth and Woollen, British	-	-	-	-	-	-	10,780
Cotton Piece Goods, Ditto	-	-	-	-	-	-	1,94,566
Iron, British	-	-	maunds	4,349	16,502	—	—
Medicine	-	-	-	-	-	-	9,157
Europe Sundries	-	-	-	-	-	-	16,142
					2,99,825	-	7,54,319
Treasure					-	-	1,013

331. The comparative difference between the value of Importations and Exportations is sicca rupees 10,20,646, which balance is principally provided upon Bombay credits, and is also partly met by the value of the gold and silver coins, pearls and precious stones, which, from being free and of smaller compass, are passed into town without entry at the Custom-house.

332. This trade has of late years considerably declined : the articles amongst Imports upon which the greatest fluctuations were experienced, in the year under notice, are Copper, which is opposed by the ample receipts from Europe; and Coffee, the demand for which, in this market, for re-exportation, is not now so active as formerly. Amongst Exports the principal changes are in the value of Cotton Piece Goods, owing to the markets of Arabia and Persia being more immediately supplied from Bombay; Indigo, from high prices having reduced the consumption; and of Grain, from the Coast of Malabar providing partially for the demand.

333. Some articles, the produce of Malabar, from errors in the entry at the Custom-house, become mixed up with the Imports from Arabia and Persia.

CHINA.

China ;

334. The aggregate value of our commerce with China, in the year 1828-29, was sicca rupees 1,28,13,704, which, compared with the amount of the preceding year, gives a decrease of sicca rupees 1,05,47,108.

Imports.

335. The total amount of our receipts from China is represented at sicca rupees 30,43,828, comprehending the value of Merchandize at sicca rupees 16,63,521, and of Treasure, sicca rupees 13,80,307. The comparative difference with the year 1827-28 being a deficiency in the year under consideration of sicca rupees 55,44,867, contained in the value of Merchandize, sicca rupees 50,37,720, as illustrated in the following Exhibit :

CHINA.—IMPORTS :					1827-28.		1828-29.	
					Quantity.	Value.	Quantity.	Value.
Alum - - - - -	maunds	17,847	68,579	13,749	50,092			
Arsenic - - - - -	-	-	743	-	8,529			
Beads - - - - -	-	-	36,993	-	54,274			
Brass Leaf - - - - -	-	-	-	-	15,431			
Copper, Foreign - - - - -	maunds	19,700	7,09,404	9,414	3,51,142			
China-ware - - - - -	-	-	19,986	-	16,883			
China-paper - - - - -	maunds	-	29,178	-	30,958			
Camphire - - - - -	-	1,221	58,746	1,314	59,349			
Cassia - - - - -	-	1,394	35,917	2,543	57,597			
Cutch - - - - -	-	5,551	13,271	3,792	8,012			
Cloves - - - - -	-	139	9,720	-	-			
Cotton Mule Twist, British - - - - -	-	-	-	395	34,583			
Fans - - - - -	-	-	6,347	-	2,022			
Fire-works - - - - -	-	-	6,355	-	7,838			
Glass-ware - - - - -	-	-	7,685	-	-			
Gin - - - - -	-	-	11,732	-	2,780			
Ivory-ware - - - - -	-	-	9,187	-	-			
Iron Pans - - - - -	-	-	12,873	-	-			
Jewellery - - - - -	-	-	5,397	-	-			
Kettisols - - - - -	-	-	11,183	-	14,271			
Lead, Foreign - - - - -	maunds	-	-	838	5,552			
Lead, Red - - - - -	-	-	1,980	-	-			
Lead, White - - - - -	-	-	335	-	-			
Lacquered-ware - - - - -	-	-	6,453	-	3,087			
Long Pepper and Roots - - - - -	maunds	28	199	594	7,484			
Marble Slabs - - - - -	-	-	7,040	-	5,609			
Mace - - - - -	maunds	16	1,470	80	7,991			
Nankeens - - - - -	pieces	29,100	37,368	28,038	30,444			
Nutmegs - - - - -	maunds	-	-	233	15,382			
Piece Goods, Cotton, Foreign - - - - -	-	-	6,255	-	1,134			
Ditto - Silk - Ditto - - - - -	-	-	1,36,847	-	61,210			
Pepper - - - - -	maunds	11,367	1,03,877	9,571	87,916			
Pearls, False - - - - -	-	-	8,179	-	7,808			
Rattans - - - - -	-	-	25,599	-	16,033			
Sugar-Candy - - - - -	-	-	35,792	-	18,270			
Sappan Wood - - - - -	maunds	5,580	19,982	5,506	23,140			
Sundries - - - - -	-	-	1,10,640	-	80,911			
Spelter - - - - -	maunds	269	1,880	1,655	10,623			
Seeds - - - - -	-	-	-	424	6,336			
Trunks and Boxes - - - - -	-	-	13,459	-	12,062			
Tin - - - - -	maunds	6,032	1,68,897	11,904	3,00,775			
Tea - - - - -	chests	6,799	2,21,020	1,729 $\frac{1}{2}$	1,21,984			
Vermilion - - - - -	-	-	1,76,341	-	1,19,523			
Wax - - - - -	maunds	760	33,759	149	6,486			
					21,70,668	-	-	16,63,521
Treasure - - - - -					64,18,027	-	-	13,80,307
					85,88,695	-	-	30,43,828
Deduct - - - - -					30,43,828			
Net Decrease - - - - -					55,44,867			
Decrease Merchandize - - - - -					5,07,147			
Ditto Treasure - - - - -					50,37,720			
					S. Rs. 55,44,867			

III.
External
and Internal
Commerce.

(1.)
BENGAL.

China.

336. The Table that follows shows the Goods on which the Increase and Decrease have occurred :

CHINA.—EXPORTS :				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	56,912	1,42,593	75,424	1,89,812
Silk	-	ditto	-	315	2,809	274	1,947
Shawls	-	-	-	17	1,777	—	—
Indigo	-	-	<i>maunds</i>	97	9,726	—	—
Sugar	-	-	-	21	166	35	389
Grain	-	-	-	23,369	43,579	2,850	4,075
Bengal Rum	-	-	<i>gallons</i>	1,058	1,058	—	—
Behar Opium	-	-	<i>chests</i>	5,449	85,06,265	3,819	53,40,962
Benares ditto	-	-	-	1,817	27,20,510	1,084	15,27,289
Malwa ditto	-	-	-	25	35,700	—	—
Saltpetre	-	-	<i>maunds</i>	17,496	77,160	3,870	15,803
Cotton	-	-	-	197,590	29,81,340	185,029	23,92,276
Safflower	-	-	-	14	348	—	—
Gunnies and Gunny Bags	-	-	<i>pieces</i>	84,075	5,428	142,950	10,764
Soap	-	-	<i>maunds</i>	91	880	64	625
Putchuck	-	-	-	1,385	17,862	1,886	22,441
Canvas	-	-	<i>bolts</i>	268	2,880	—	—
Country Sundries	-	-	-	-	19,737	-	12,189
Copper, British	-	-	<i>maunds</i>	122	5,040	—	—
Broad Cloth and Woollen, British	-	-	-	-	-	-	1,29,692
Sandal Wood	-	-	<i>maunds</i>	1,906	20,469	900	10,004
Cotton Piece Goods, British	-	-	-	-	28,932	-	37,567
Cochineal	-	-	<i>maunds</i>	-	-	11	5,744
Corals	-	-	-	-	10,918	—	—
Cotton, Foreign	-	-	<i>maunds</i>	-	-	1,004	11,748
Iron, British	-	-	-	1,514	6,340	682	2,170
Cotton Twist, British	-	-	-	-	-	85	8,550
Flannel and Blankets	-	-	-	-	-	-	27,000
Europe Sundries	-	-	-	-	48,465	-	18,829
					1,46,90,342	-	97,69,876
Treasure				-	81,775	-	—
					1,47,72,117	-	97,69,876
Deduct				-	97,69,876	-	—
Net Decrease				-	50,02,241	-	—

III
External
and Internal
Commerce.
(1.)
B E N G A L.

China ;
Exports.

Decrease Merchandize - - - - 49,20,466
Ditto Treasure - - - - 81,775

S. Rs. 50,02,241

338. The fluctuations presented in the foregoing Statement are more particularly given in the annexed Schedule :

EXPORTS :				INCREASE.		DECREASE.	
				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	18,512	46,859	—	—
Silk	-	ditto	-	-	-	41	862
Shawls	-	-	-	-	-	17	1,777
Indigo	-	-	<i>maunds</i>	-	-	97	9,726
Sugar	-	-	-	14	223	—	—
Grain	-	-	-	-	-	20,519	39,504
Bengal Rum	-	-	<i>gallons</i>	-	-	1,058	1,058

(continued)

NEW SOUTH WALES.

344. The total amount of our trade with this colony, in the year 1828-29, was sicca rupees 1,01,673, which is a decrease of sicca rupees 3,30,667, compared with the year immediately preceding.

345. The aggregate of Importations was sicca rupees 25,088 ; showing a comparative difference of sicca rupees 2,69,462 less than the value of the previous year, comprehended in a decrease in the value of Merchandize, sicca rupees 2,00,379, and of Treasure, from there having been no receipt of the article in the year under consideration, of sicca rupees 69,083, as per following Statement :—

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

New South Wales ;
Imports.

IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Broad Cloth and Woollen, Foreign -	-	30,438	—	—
Copper, Foreign - - - maunds	2,299	83,643	33	1,312
Coals - - - - -	-	781	-	2,183
Cotton Yarn, Foreign - - maunds	25	2,504	—	—
Cubebs - - - - -	109	4,978	—	—
Gin - - - - -	-	6,603	-	150
Iron, Foreign - - - maunds	-	-	930	5,456
Lead, British - - - - -	-	-	1,910	12,608
Long Pepper and Roots -	1,189	7,529	—	—
Millinery - - - - -	-	8,960	—	—
Piece Goods, Cotton, Foreign -	-	8,533	—	—
Rattans - - - - -	-	7,474	—	—
Sundries - - - - -	-	37,633	-	3,379
Spelter - - - - - maunds	1,226	9,808	—	—
Tin - - - - -	107	2,828	—	—
Velvet, Foreign - - - - -	-	2,843	—	—
Wax - - - - - maunds	101	4,502	—	—
Wearing Apparel - - - - -	-	6,405	—	—
		2,25,467	-	25,088
Treasure - - - - -	-	69,083	-	—
		2,94,550	-	25,088
Deduct - - - - -	-	25,088	-	-
Net Decrease - - - - -	-	2,69,462	-	-

Decrease Merchandize - - - - - 2,00,379
Ditto Treasure - - - - - 69,083
S. Rs. 2,69,462

346. The changes which mark the Imports of the year are exhibited in the annexed ; viz.

IMPORTS :	I N C R E A S E.		D E C R E A S E.	
	Quantity.	Value.	Quantity.	Value.
Broad Cloth and Woollen, Foreign -	-	-	-	30,438
Copper, Foreign - - - maunds	-	-	2,266	82,331
Coals - - - - -	-	1,402	—	—
Cotton Yarn, Foreign - - maunds	-	-	25	2,504
Cubebs - - - - -	-	-	109	4,978
Gin - - - - -	-	-	-	6,453
Iron, Foreign - - - maunds	930	5,456	—	—
Lead, British - - - - -	1,910	12,608	—	—

III. External and Internal Commerce. (1.) B E N G A L.		NEW SOUTH WALES— IMPORTS— <i>continued</i> .		INCREASE.		DECREASE.	
				Quantity.	Value.	Quantity.	Value.
New South Wales.	Long Pepper and Roots	-	<i>maunds</i>	-	-	1,189	7,529
	Millinery	-	-	-	-	-	8,960
	Piece Goods, Cotton, Foreign	-	-	-	-	-	8,533
	Rattans	-	-	-	-	-	7,474
	Sundries	-	-	-	-	-	34,259
	Spelter	-	-	-	-	1,226	9,808
	Tin	-	-	-	-	107	2,828
	Velvets, Foreign	-	-	-	-	-	2,843
	Wax	-	-	-	-	101	4,502
	Wearing Apparel	-	-	-	-	-	6,405
					19,466	-	2,19,845
Treasure					-	-	69,083

Exports.

347. The amount of our Shipments to New South Wales is represented at sicca rupees 76,585, which, compared with the previous year, is a deficiency of sicca rupees 61,205; contained in the value of Merchandize, sicca rupees 58,955, and of Treasure, from the absence of shipments in the year under consideration, of sicca rupees 2,250; as shown in the following Table:

EXPORTS :				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	11,816	27,124	3,118	5,498
Silk	-	ditto	-	1,067	7,697	1,030	7,979
Shawls	-	-	-	51	610	1	400
Sugar	-	-	<i>maunds</i>	1,028	8,228	1,468	11,006
Grain	-	-	-	1,608	3,290	14,300	22,275
Cotton	-	-	-	-	-	29	584
Gunnies and Gunny Bags	-	-	<i>pieces</i>	10,000	1,196	1,742	185
Salt Provision	-	-	-	-	10,884	-	250
Ginger	-	-	<i>maunds</i>	50	150	16	60
Hemp, Flax and Twine	-	-	-	83	1,219	29	114
Canvas	-	-	- <i>bolts</i>	1,068	11,283	150	1,500
Carpets and Blankets	-	-	<i>pieces</i>	170	590	1,470	1,670
Tobacco	-	-	<i>maunds</i>	-	-	22	110
Country Sundries	-	-	-	-	21,545	-	5,228
Madeira Wine	-	-	<i>pipes</i>	23	6,981	5	1,020
Liquor	-	-	-	-	19,513	-	4,791
Tea	-	-	<i>chests</i>	117	3,470	95	6,888
Europe Sundries	-	-	-	-	11,760	-	7,107
					1,35,540	-	76,585
Treasure					2,250	-	-
					1,37,790	-	76,585
Deduct					76,585		
Net Decrease					61,205		
Decrease Merchandize					-	58,955	
Ditto Treasure					-	2,250	
						61,205	

348. The fluctuations in the value of the Goods shipped from hence are particularly noted in the following; viz.—

NEW SOUTH WALES— EXPORTS :			INCREASE.		DECREASE.	
			Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	pieces	-	-	8,698	21,626
Silk	- ditto	-	-	282	37	-
Shawls	-	-	-	-	50	210
Sugar	-	maunds	440	2,778	-	-
Grain	-	-	12,692	18,985	-	-
Cotton	-	-	29	584	-	-
Gunnies and Gunny Bags	-	pieces	-	-	8,258	1,011
Salt Provision	-	-	-	-	-	10,634
Ginger	-	maunds	-	-	34	90
Hemp, Flax and Twine	-	-	-	-	54	1,105
Canvas	-	bolts	-	-	918	9,783
Carpets and Blankets	-	pieces	1,300	1,080	-	-
Tobacco	-	maunds	22	110	-	-
Country Sundries	-	-	-	-	-	16,317
Madeira Wine	-	pipes	-	-	18	5,961
Liquor	-	-	-	-	-	14,722
Tea	-	chests	-	3,338	22	-
Europe Sundries	-	-	-	-	-	4,653
				27,157	-	86,112
Treasure				-	-	2,250

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

New South Wales.

349. The comparative difference between Imports and Exports, for the year 1828-29, is a deficiency in the value of the former of sicca rupees 51,497. An extensive and lucrative commerce is maintained between the colony and this, in the bills of the Colonial Government on London, the sale of which is applied to the equalization of the balance of the trade, and as a remittance of the surplus property of individuals at the colony.

350. Amongst the Imports, the article of Coals is the only production of New South Wales; the Copper was from South America; Cubebs, Rattans, Tin and Wax, from the Straits; and the rest of the Statement from Europe.

AFRICA.

351. The range of our Commerce with this quarter of the globe comprehends our trade with the Mauritius, and our intercourse with the Cape of Good Hope; and it appears to admit of no direct extension. The aggregate of our relations with this division of the world, in the year under consideration, amounted to sicca rupees 18,68,258, which, compared with the year preceding, is a deficiency of sicca rupees 70,254. Of the amount here represented, Imports involve sicca rupees 1,38,971, with a comparative decrease of sicca rupees 2,60,625; and Exports, sicca rupees 17,29,287, exhibiting an increase of sicca rupees 1,90,371, as given in the following Statement :

Africa.

	1827-28.			1828-29.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
IMPORTS :						
Mauritius	3,41,985	33,750	3,76,735	1,15,298	6,500	1,21,798
Cape of Good Hope	23,861	-	23,861	12,561	4,612	17,173
TOTAL	3,65,846	33,750	3,99,596	1,27,859	11,112	1,38,971
EXPORTS :						
Mauritius	11,49,300	2,16,750	13,66,050	13,84,550	2,19,500	16,04,050
Cape of Good Hope	1,72,866	-	1,72,866	1,25,237	-	1,25,237
TOTAL	13,22,166	2,16,750	15,38,916	15,09,787	2,19,500	17,29,287

III.

External
and Internal
Commerce.

(1.)

BENGAL.

Mauritius.

MAURITIUS.

352. The amount of our Trade with the Mauritius, (which includes Bourbon,) in the year 1828-29, was sicca rupees 17,25,848, which, compared with the year 1827-28, is a decline of sicca rupees 15,937.

353. The total value of the goods imported from the Mauritius and Bourbon, in the year under review, was sicca rupees 1,21,798, which embraces the value of Merchandize sicca rupees 1,15,298; and of Treasure, sicca rupees 6,500. The discrepancy, compared with the year 1827-28, is a decrease in Merchandize sicca rupees 2,26,687; in Treasure sicca rupees 27,250; together, a decline of sicca rupees 2,53,937, as per following Statement:

		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value.
IMPORTS:					
Anchors	- - - - pieces	23	4,782	-	-
Brandy	- - - -	-	60,040	-	7,342
Beetle-nut	- - - - maunds	-	-	4,870	11,813
Copper, Foreign	- - - -	121	4,620	-	-
Claret, Foreign	- - - -	-	19,734	-	591
Cloves	- - - - maunds	4,589	2,07,850	2	100
Gin	- - - -	-	8,289	-	-
Lamita	- - - -	-	5,120	-	-
Medicine	- - - -	-	5,479	-	-
Piece Goods, Cotton, British	- - - -	-	-	-	19,674
Pepper	- - - - maunds	-	-	2,426	21,188
Rattans	- - - -	-	-	-	5,889
Sundries	- - - -	-	26,071	-	15,996
Tin	- - - -	-	-	1,054	32,705
Treasure		-	3,41,985	-	1,15,298
		-	33,750	-	6,500
Deduct		-	3,75,735	-	1,21,798
		-	1,21,798	-	-
Net Decrease		-	2,53,937	-	-
Decrease Merchandize		-	-	-	2,26,687
Ditto - Treasure		-	-	-	27,250
		-	-	-	S. Rs. 2,53,937

354. The articles on which, in Imports, the Decrease or Increase has occurred, are shown in the annexed Table:

		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.
IMPORTS:					
Anchors	- - - - pieces	-	-	23	4,782
Brandy	- - - -	-	-	-	52,698
Beetle-nuts	- - - - maunds	4,870	11,813	-	-
Copper, Foreign	- - - -	-	-	121	4,620
Claret, Ditto	- - - -	-	-	-	19,143
Cloves	- - - - maunds	-	-	4,587	2,07,750
Gin	- - - -	-	-	-	8,289
Lamita	- - - -	-	-	-	5,120
Medicine	- - - -	-	-	-	5,479
Piece Goods, Cotton, British	- - - -	-	19,674	-	-
Pepper	- - - - maunds	2,426	21,188	-	-
Rattans	- - - -	-	5,889	-	-
Sundries	- - - -	-	-	-	10,075
Tin	- - - - maunds	1,054	32,705	-	-
Treasure		-	91,269	-	3,17,956
		-	-	-	27,250

355. The

355. The amount of our shipments to the Mauritius and Bourbon is given at sicca rupees 16,04,050; being, in the value of Merchandize, sicca rupees 13,84,550, and of Treasure, sicca rupees 2,19,500. The comparison between this and the year preceding being an increase of sicca rupees 2,38,000, contained in Merchandize, sicca rupees 2,35,250, and sicca rupees 2,750 in Treasure, as per following exhibit :

III.
External
and Internal
Commerce.
(1.)
B E N G A L.

MAURITIUS.—EXPORTS :				1827-28.		1828-29.	
				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	48,238	1,12,919	26,517	53,437
Silk	-	ditto	-	4,822	26,904	2,204	13,257
Shawls	-	-	-	56	8,082	10	1,488
Indigo	-	-	<i>maunds</i>	112	11,239	-	-
Sugar	-	-	-	273	2,179	1,336	10,685
Silk	-	-	-	65	17,731	-	-
Grain	-	-	-	497,409	7,96,702	6,64,903	10,86,349
Saltpetre	-	-	-	316	1,389	508	1,979
Gums	-	-	-	-	-	38	365
Gunnies and Gunny Bags	-	-	<i>pieces</i>	26,000	1,554	31,100	2,238
Shell Lac	-	-	<i>maunds</i>	-	-	108	1,746
Turmeric	-	-	-	-	-	672	2,392
Skins and Hides	-	-	-	-	-	-	382
Wax Candles	-	-	<i>maunds</i>	169	12,018	21	1,582
Borax and Tincal	-	-	-	55	1,104	-	-
Salt Provision	-	-	-	-	20,865	-	27,998
Canvas	-	-	<i>bolts</i>	243	2,214	100	800
Hemp, Flax and Twine	-	-	<i>maunds</i>	529	7,541	1,437	12,710
Carpets and Blankets	-	-	<i>pieces</i>	19,127	14,575	14,270	10,695
Carriages	-	-	-	13	5,125	64	27,849
Tobacco	-	-	<i>maunds</i>	-	-	32	160
Country Sundries	-	-	-	-	18,951	-	11,328
Liquor	-	-	-	-	-	-	6,117
Broad Cloth and Woollen, British	-	-	-	-	4,121	-	22,590
Cotton Piece Goods, British	-	-	-	-	14,328	-	33,160
Silk	-	ditto	Foreign	-	5,874	-	4,422
Cotton	-	ditto	Ditto	-	5,094	-	-
Books, Foreign	-	-	-	-	6,372	-	2,264
Tea	-	-	<i>chests</i>	346	9,310	259	7,662
Cabinet-ware	-	-	-	-	2,448	-	10,166
Soap, Foreign	-	-	<i>maunds</i>	1,013	8,122	-	-
Europe Sundries	-	-	-	-	31,739	-	30,729
					11,49,300	-	13,84,550
Treasure					2,16,750	-	2,19,500
					13,66,050	-	16,04,050
						Deduct	13,66,050
						Net Increase	2,38,000
Increase Merchandize				-	-	-	2,35,250
Ditto Treasure				-	-	-	2,750
							<u>S. Rs. 2,38,000</u>

356. The fluctuations or changes which have occurred in the valuation of the Goods are detailed in the following :—

III. External and Internal Commerce.					INCREASE.		DECREASE.		
MAURITIUS.—EXPORTS :					Quantity.	Value.	Quantity.	Value.	
(1.)									
BENGAL.									
Mauritius ; Exports.	Cotton Piece Goods	-	-	<i>pieces</i>	-	-	21,721	59,482	
	Silk	-	ditto	-	-	-	2,618	13,647	
	Shawls	-	-	-	-	-	46	6,594	
	Indigo	-	-	-	<i>maunds</i>	-	112	11,239	
	Sugar	-	-	-	1,064	8,560	-	-	
	Silk	-	-	-	-	-	65	17,731	
	Grain	-	-	-	1,67,494	2,89,647	-	-	
	Saltpetre	-	-	-	192	590	-	-	
	Gums	-	-	-	38	365	-	-	
	Gunnies and Gunny Bags	-	-	<i>pieces</i>	5,100	684	-	-	
	Shell Lac	-	-	-	108	1,746	-	-	
	Turmeric	-	-	-	672	2,392	-	-	
	Skins and Hides	-	-	-	-	382	-	-	
	Wax Candles	-	-	-	<i>maunds</i>	-	148	10,436	
	Borax and Tincal	-	-	-	-	-	55	1,104	
	Salt Provision	-	-	-	-	7,133	-	-	
	Canvas	-	-	-	<i>bolts</i>	-	143	1,414	
	Hemp, Flax and Twine	-	-	-	<i>maunds</i>	908	5,169	-	-
	Carpets and Blankets	-	-	-	<i>pieces</i>	-	-	4,857	3,880
	Carriages	-	-	-	-	51	22,724	-	-
	Tobacco	-	-	-	<i>maunds</i>	32	160	-	-
	Country Sundries	-	-	-	-	-	-	-	7,623
	Liquor	-	-	-	-	-	6,117	-	-
	Broad Cloth and Woollen, British	-	-	-	-	-	18,469	-	-
	Cotton Piece Goods, British	-	-	-	-	-	18,832	-	-
	Silk	-	ditto	-	Foreign	-	-	-	1,452
	Cotton Piece Goods, Ditto	-	-	-	-	-	-	-	5,894
	Books, Foreign	-	-	-	-	-	-	-	4,108
	Tea	-	-	-	<i>chests</i>	-	-	87	1,648
	Cabinet-ware	-	-	-	-	-	7,718	-	-
	Soap, Foreign	-	-	-	<i>maunds</i>	-	-	1,013	8,122
	Europe Sundries	-	-	-	-	-	-	-	1,010
						3,90,634	-	1,55,384	
Treasure					-	2,750	-	-	

357. The difference between Imports and Exports, in the year under consideration, compared with the year 1827-28, is sicca rupees 14,82,252. This discrepancy was met or provided for by the shipment of Sugars to England, and by bills on India.

358. In the Schedule of Imports from the Mauritius, are included Beetle-nuts, Pepper, Rattans and Tin, articles the produce of the East, but put down as receipts from the Mauritius, from erroneous entries at the Custom-house. All the articles, except the Cloves, were of the production of Europe.

359. In Exports, the preponderance noticed above is to be ascribed to the increased shipment of Grain, the augmentation having been equal to sicca rupees 2,89,647.

THE CAPE OF GOOD HOPE.

Cape of
Good Hope.

360. The total value of our trade with this settlement, in the year under consideration, was sicca rupees 1,42,410, being, on comparison with the previous year, at a decrease of sicca rupees 54,317.

Imports.

361. The aggregate of Imports was sicca rupees 17,173; comprehending the value of sicca rupees 12,561 in Merchandize, and sicca rupees 4,612 in Treasure; the comparative difference being a decline of sicca rupees 6,688 in the year under consideration, as per Statement:—

CAPE OF GOOD HOPE.— IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Beads - - - - -	- -	9,672	—	—
Cape Wine - - - - - <i>pipes</i>	10	1,529	3 ½	410
Constantia Wine - - - - -	- -	2,355	- -	3,213
Claret, Foreign - - - - -	- -	- -	- -	4,853
Sundries - - - - -	- -	10,305	- -	4,085
		23,861	- -	12,561
Treasure - - - - -	- -	- -	- -	4,612
		23,861	- -	17,173
Deduct - - - - -	- -	17,173	- -	- -
Net Decrease - - - - -	- -	6,688	- -	- -
Decrease Merchandize - - - - -	- -	- -	- -	11,300
Deduct Increase Treasure - - - - -	- -	- -	- -	4,612
				<u>S. Rs. 6,688</u>

III.
External
and Internal
Commerce.

(1.)
BENGAL.

Cape of
Good Hope.

362. The fluctuations to which the Imports have been subject are well expressed in the following Statement :

IMPORTS :	I N C R E A S E.		D E C R E A S E.	
	Quantity.	Value.	Quantity.	Value.
Beads - - - - -	- -	- -	- -	9,672
Cape Wine - - - - - <i>pipes</i>	- -	- -	6 ½	1,119
Constantia Wine - - - - -	- -	858	—	—
Claret, Foreign - - - - -	- -	4,853	—	—
Sundries - - - - -	- -	- -	- -	6,220
		5,711	- -	17,011
Treasure - - - - -	- -	4,612	- -	- -

363. The gross value of the Total of our Shipments to the Cape, in the year under consideration, was sicca rupees 1,25,237, being a deficiency of sicca rupees 47,627 on the value of our Exports for the year 1827-28, as per following Table ; viz.

Exports.

EXPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - - <i>pieces</i>	64,051	1,03,967	49,568	77,030
Silk ditto - - - - -	1,212	9,831	377	2,350
Shawls - - - - -	3	1,050	1	500
Sugar - - - - - <i>maunds</i>	439	3,517	14	145
Grain - - - - -	21,360	41,712	17,198	27,885
Gunnies and Gunny Bags - <i>pieces</i>	7,000	880	5,000	200
Turmeric - - - - - <i>maunds</i>	- -	- -	50	163
Castor Oil - - - - -	- -	- -	6	137
Canvas - - - - - <i>bolts</i>	174	1,740	20	160
Hemp - - - - - <i>maunds</i>	229	1,146	119	988
Carpets and Blankets - - <i>pieces</i>	- -	- -	2,000	1,508
Country Sundries - - - - -	- -	5,294	- -	1,496
Cotton Piece Goods, Foreign - - - - -	- -	- -	- -	10,662
Europe Sundries - - - - -	- -	3,729	- -	2,013
		1,72,866	- -	1,25,237
Deduct - - - - -	- -	1,25,237	- -	- -
Net Decrease - - - - -	- -	47,629	- -	- -

III.

External
and Internal
Commerce.(1.)
B E N G A L.Cape of
Good Hope.

364. The Increase or Decrease on the value of Goods exported in 1828-29 is shown in the following Schedule :

EXPORTS :				INCREASE.		DECREASE.	
				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	-	-	14,438	26,937
Silk ditto	-	-	-	-	-	835	7,481
Shawls	-	-	-	-	-	2	550
Sugar	-	-	<i>maunds</i>	-	-	425	3,372
Grain	-	-	-	-	-	4,162	13,827
Gunnies and Gunny Bags	-	-	<i>pieces</i>	-	-	2,000	680
Turmeric	-	-	<i>maunds</i>	50	163	-	-
Castor Oil	-	-	-	6	137	-	-
Canvas	-	-	<i>bolts</i>	-	-	154	1,580
Hemp	-	-	<i>maunds</i>	-	-	110	158
Carpets and Blankets	-	-	<i>pieces</i>	2,000	1,508	-	-
Country Sundries	-	-	-	-	-	-	3,798
Cotton Piece Goods, Foreign	-	-	-	-	10,662	-	-
Europe Sundries	-	-	-	-	-	-	1,716
				12,470		60,099	

365. The difference in the value of Imports and Exports is sicca rupees 1,08,064, the latter so much greater than the former.

366. The Decrease in the value of both Imports and Exports indicates the progressive decay of the Trade of Bengal with the Settlement of the Cape of Good Hope.

AMERICA.

America :

367. The amount of our relations with America, in the year 1828-29, was sicca rupees 47,89,724; presenting a valued decrease, as compared with the year preceding it, of sicca rupees 8,49,475, as per following Statement :

	1827-28.			1828-29.		
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.
IMPORTS :						
United States of America	4,54,612	17,21,217	21,75,829	4,53,107	15,67,989	20,21,096
Brazils - - -	80,576	10,75,000	11,55,576	-	-	-
South America - -	1,62,328	20,250	1,82,578	2,88,125	2,10,645	4,98,770
TOTAL - - -	6,97,516	28,16,467	35,13,983	7,41,232	17,78,634	25,19,866
EXPORTS :						
United States of America	16,87,548	-	16,87,548	16,01,632	-	16,01,632
Brazils - - -	4,37,668	-	4,37,668	5,68,621	-	5,68,621
South America - -	-	-	-	99,605	-	99,605
TOTAL - - -	21,25,216	-	21,25,216	22,69,858	-	22,69,858

UNITED STATES OF AMERICA.

United States ;

368. The aggregate of our trade with the United States, in the year under consideration, was sicca rupees 36,22,728, which, compared with the previous year, exhibits a decline of sicca rupees 2,40,649.

Imports.

369. Of the above aggregate, Importations from the States involve value to the extent of sicca rupees 20,21,096, comprehending the amount of Merchandize, sicca rupees 4,53,107; and of Treasure, of sicca rupees 15,67,989. The comparative difference on the operations of the years 1827-28 and 1828-29 being

a decrease

a decrease of sicca rupees 1,54,733 in the years under notice, occurring in the value of Merchandize, sicca rupees 1,505; and of Treasure, sicca rupees 1,53,228; as exemplified below:

UNITED STATES.—IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Brandy - - - - -	-	12,717	-	6,341
Copper, Foreign - - - - <i>maunds</i>	5,041	1,46,495	6,675	2,11,912
Cordage - - - - -	-	10,172	-	-
Cochineal - - - - - <i>maunds</i>	24	14,598	25	9,052
Lead, Foreign - - - - -	2,264	20,475	11,746	75,849
Madeira Wine - - - - - <i>pipes</i>	112	36,550	-	-
Morocco - - - - - <i>skins</i>	-	5,821	-	2,835
Piece Goods, Cotton, Foreign - - -	-	6,337	-	4,954
Ditto - Silk - Ditto - - -	-	679	-	3,220
Pitch and Tar - - - - -	-	4,692	-	5,725
Quicksilver - - - - - <i>maunds</i>	-	-	47	4,002
Steel, Foreign - - - - -	-	-	164	2,542
Segars - - - - -	-	-	-	20,264
Sundries - - - - -	-	69,192	-	66,458
Spelter - - - - - <i>maunds</i>	5,944	42,995	1,816	12,407
Timber and Planks - - - - -	-	77,598	-	27,446
Wine - - - - -	-	6,291	-	100
		4,54,612	-	4,53,107
Treasure - - - - -	-	17,21,217	-	15,67,989
		21,75,829	-	20,21,096
Deduct - - - - -	-	20,21,096	-	-
Net Decrease - - - - -	-	1,54,733	-	-
Decrease, Merchandize - - - - -	-	-	-	1,505
Ditto, Treasure - - - - -	-	-	-	1,53,228
		S. Rs. 1,54,733		

III.
External
and Internal
Commerce.
—
(1.)
BENGAL.

America :
United States ;
Imports.

370. The fluctuations or changes that have occurred on the articles imported here from the States, are enumerated in the following List :

IMPORTS :	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Brandy - - - - -	-	-	-	6,376
Copper, Foreign - - - - <i>maunds</i>	1,634	65,417	-	-
Cordage - - - - -	-	-	-	10,172
Cochineal - - - - - <i>maunds</i>	1	-	-	5,546
Lead, Foreign - - - - -	9,482	55,374	-	-
Madeira Wine - - - - - <i>pipes</i>	-	-	112	36,550
Morocco - - - - - <i>skins</i>	-	-	-	2,986
Piece Goods, Cotton, Foreign - - -	-	-	-	1,383
Ditto - Silk - Ditto - - -	-	2,541	-	-
Pitch and Tar - - - - -	-	1,033	-	-
Quicksilver - - - - - <i>maunds</i>	47	4,002	-	-
Steel, Foreign - - - - -	164	2,542	-	-
Segars - - - - -	-	20,264	-	-
Sundries - - - - -	-	-	-	2,734
Spelter - - - - - <i>maunds</i>	-	-	4,128	30,588
Timber and Planks - - - - -	-	-	-	50,152
Wine - - - - -	-	-	-	6,191
		1,51,173	-	1,52,678
		Treasure	-	1,53,228

III.
External
and Internal
Commerce.

(1.)
BENGAL.

America :
United States;
Exports.

371. The amount value of our Exportations to the United States, in the year 1828-29, is sicca rupees 16,01,632, comprehended in merchandize; the comparative difference of which is a deficiency in the value of shipments, in 1827-28, of sicca rupees 85,916, as expressed in the following Statement :

				1827-28.		1828-29.	
UNITED STATES.—EXPORTS :				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	10,521	21,985	23,780	72,594
Silk	-	ditto	-	94,516	4,14,709	1,70,766	5,80,720
Indigo	-	-	<i>maunds</i>	8,487	8,48,779	4,759	4,75,899
Sugar	-	-	-	530	4,234	12,152	97,214
Saltpetre	-	-	-	29,648	1,21,626	42,336	1,72,449
Gums	-	-	-	915	8,956	593	6,133
Shell Lac	-	-	-	2,914	51,179	2,818	46,917
Lac Dye	-	-	-	20	1,761	24	2,311
Skins and Hides	-	-	-	-	41,545	-	45,893
Gunnies and Gunny Bags	-	-	<i>pieces</i>	22,608	2,325	81,900	4,516
Ginger	-	-	<i>maunds</i>	2,755	8,264	6,975	21,107
Turmeric	-	-	-	1,653	5,220	993	3,220
Salammoniac	-	-	-	-	-	316	5,051
Borax and Tincal	-	-	-	-	-	286	5,719
Hemp, Flax and Twine	-	-	-	2,245	28,047	1,994	24,044
Country Sundries	-	-	-	-	9,871	-	1,874
Cotton Piece Goods, Foreign	-	-	-	-	57,435	-	2,148
Gum, Foreign	-	-	<i>maunds</i>	1,042	14,491	163	2,101
Skins, ditto	-	-	-	-	21,549	-	6,319
Coir	-	-	<i>maunds</i>	-	-	1,023	4,697
Hemp, Manilla	-	-	-	677	5,967	-	-
Europe Sundries	-	-	-	-	19,605	-	20,706
				16,87,548		-	16,01,632
Deduct				16,01,632			
Net Decrease				85,916			

372. The details of the fluctuations to which our Export Trade with the States has been subject, in the year under consideration, are shown in the following Table :

				INCREASE.		DECREASE.	
EXPORTS :				Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	-	-	<i>pieces</i>	13,259	50,609	-	-
Silk	-	ditto	-	76,250	1,66,011	-	-
Indigo	-	-	<i>maunds</i>	-	-	3,728	3,72,880
Sugar	-	-	-	11,622	92,980	-	-
Saltpetre	-	-	-	12,688	50,823	-	-
Gums	-	-	-	-	-	322	2,823
Shell Lac	-	-	-	-	-	96	4,262
Lac Dye	-	-	-	4	550	-	-
Skins and Hides	-	-	-	-	4,348	-	-
Gunnies and Gunny Bags	-	-	<i>pieces</i>	59,292	2,191	-	-
Ginger	-	-	<i>maunds</i>	4,220	12,843	-	-
Turmeric	-	-	-	-	-	660	2,000
Salammoniac	-	-	-	316	5,051	-	-
Borax and Tincal	-	-	-	286	5,719	-	-
Hemp, Flax and Twine	-	-	-	-	-	251	4,003
Country Sundries	-	-	-	-	-	-	7,997
Cotton Piece Goods, Foreign	-	-	-	-	-	-	55,287
Silk, Foreign	-	-	<i>maunds</i>	-	-	879	12,390
Skins, ditto	-	-	-	-	-	-	15,230
Coir	-	-	<i>maunds</i>	1,023	4,697	-	-
Hemp, Manilla	-	-	-	-	-	677	5,967
Europe Sundries	-	-	-	-	1,101	-	-
				3,96,923		-	4,82,839

373. Comparing

373. Comparing the value of the goods imported with the official value of Exportations, the former is sicca rupees 4,19,464 above the amount of the latter ; but if the shipments be taken at their approximate valuation, Exports will be found to exceed Imports by sicca rupees 2,55,492, as under :

EXPORTS : Amount, per official exhibit	- - - - -	16,01,632
Add difference between official and market value on maunds 4,769 of Indigo, at 130 per maund	- - - - -	6,18,670
Add on the amount of Exports less value of Indigo, say on sicca rupees 11,25,733, at 5 per cent.	- - - - -	56,286
		22,76,588
IMPORTS : Amount of, officially	- - - - -	20,21,096
Exports in excess of value	- - - S. Rs.	2,55,492

III.

External
and Internal
Commerce.

(1.)

B E N G A L.

America :
United States.

which balance of trade has been provided for by bills on England.

374. Independently of the considerable deficiency in the value of the trade in the year under consideration, compared with the operations of the previous year, the disproportion in the amount of Treasure imported, compared with the value of Merchandize, indicates the difficulty and disadvantage which exists in maintaining the intercourse ; and if to this be added the losses likely to accrue on the goods shipped from hence, we may venture to say that our transactions with the United States of America will be hereafter confined within very narrow bounds.

Merchandize	- -	4,53,107
Treasure	- -	15,67,989

375. In the Imports from the States, the fluctuations which particularly draw attention are increase in Copper, the produce of South America, which, in the year under consideration, exceeds the value of the previous year by sicca rupees 65,417 ; in Lead (the produce of Europe), sicca rupees 55,374 ; and Segars, produce of the States, but prepared in counterfeit of the Havannah, sicca rupees 20,264. On the reverse, the decline in the value of Brandy, the produce of France, always of inferior quality, has been sicca rupees 6,376 ; in Cordage, American manufacture, from no importation in 1828-29, sicca rupees 10,172 ; Cochineal, identified with the products of the States, sicca rupees 5,546 ; Madeira Wine, from the absence of importation in the year under review, sicca rupees 36,550 ; Spelter, the produce of the Russian Empire, originally imported from France, sicca rupees 30,588 ; and in Timber and Planks, the produce of the Union, sicca rupees 50,152.

376. In respect to Exports, considerable improvement took place in the shipments of Cotton Piece Goods, the produce of the Honourable Company's territories, of Silk Piece Goods, Sugar, Saltpetre and Ginger ; but these advantages are neutralized by the comparative decline in the value of Indigo, which is sicca rupees 3,72,880 ; of Gums, sicca rupees 15,213 ; Shell Lac, sicca rupees 4,262 ; Turmeric, sicca rupees 2,000 ; Hemp and Twine, sicca rupees 4,003 ; Cotton Piece Goods, the produce of the Vizier's dominions, sicca rupees 55,287 ; Skins, sicca rupees 10,882 ; and Manilla Hemp, from no shipment in the year under review, sicca rupees 5,967. Experimental shipments of Borax and Tincal, Salammoniac, and Coir for Cordage, appear to have been made in the year.

BRAZILS,

377. The amount of our operations in the year 1828-29, was no more than a single shipment.

Brazils.
•

378. There were no Importations from the Brazils within the year 1828-29. The receipts noticed in our report for 1827-28, arrived here at the close of this year, and the operations of the vessels in question appear in the transactions of the year under consideration. Value of Imports in the year 1827-28, sicca rupees 11,55,576, comprchending Merchandize, sicca rupees 80,576, and Treasure, sicca rupees 10,75,000 ; producing a deficiency in the year 1828-29 equal to the amount of the previous year, as per following Statement :

Imports.

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

America :
Brazils ;
Imports.

BRAZILS.—IMPORTS :		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value.
Copper, British - - -	maunds	1,349	55,995	—	—
Copper, Foreign - - -	—	48	1,880	—	—
Elephants' Teeth - - -	—	47	4,604	—	—
Sundries - - - - -	-	-	2,622	—	—
Wine - - - - -	-	-	15,475	—	—
			80,576		
Treasure - - -			10,75,000		
			11,55,576		

Exports. 379. The amount of Exportations is represented at sicca rupees 5,68,621, which compared with the shipments of the previous year, 1827-28, is an increase of sicca rupees 1,30,953, as shown in the annexed Table :

EXPORTS :		1827-28.		1828-29.	
		Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - - -	pieces	1,15,101	4,34,024	1,75,125	5,36,077
Silk Piece Goods - - -	—	221	2,002	421	3,400
Embroidered Piece Goods - - -	—	11	336	220	4,008
Shawls - - - - -	—	-	-	78	4,149
Indigo - - - - -	maunds	-	-	176	17,603
Hemp, Flax and Twine - - -	—	-	-	80	1,120
Country Sundries - - - - -	-	-	169	-	643
Europe Sundries - - - - -	-	-	1,137	-	1,621
			4,37,668	-	5,68,621

(All Decrease.)

380. The comparison between the value of Imports and Exports, upon the basis of the above exhibits, is Exports in the year 1828-29, sicca rupees 5,68,621, without Importations in the year; and Exports, in 1827-28, less than the value of Imports of the same year, sicca rupees 7,17,908. But this discrepancy requires explanation; and the case in its effectual character, is thus; the Importation of 1827-28 is the arrival of two ships, the Febeiro and Flora, towards the latter end of the year, which commenced re-loading before the close of the year; the shipments made within this period form the Exports of the year 1827-28; they completed their operations in the year 1828-29, so that the aggregate of the Exportations of both years, on sicca rupees 10,06,289, ought to be set against the Importation exhibited in 1827-28, or sicca rupees 11,55,576, which will show a balance of sicca rupees 1,49,289 of Imports in excess of Exports; and this difference will be absorbed, if Indigo, in the Exports, be rated at market value, and the amount of treasure in Imports be taken at its real value, which on Spanish dollars is about 8 per cent. below the Custom-house valuation of this currency.

381. The trade with the Brazils may be considered precarious. Of the productions of the Brazils, Bullion is all that can be imported from thence, and if the profits on the returns from hence, besides the fair and reasonable advantage in trade, will not yield the freight charges of the outward voyage, our relations with the Brazils must of necessity be suspended.

WESTERN COAST OF SOUTH AMERICA.

Western Coast of South America. 382. The amount of our trade with this portion of the Continent of America, is represented at the valuation of sicca rupees 5,98,375, being sicca rupees 4,15,797 above the operations of the previous year.

383. Of

383. Of the above amount Importations comprehend sicca rupees 4,98,770, comprised in the value of Merchandize, sicca rupees 2,88,125, and of Treasure, sicca rupees 2,10,645. The comparative result of the two years under notice being an increase in the year 1828-29 of sicca rupees 3,16,192, or sicca rupees 1,25,797 on Merchandize, and sicca rupees 1,90,395 on Treasure, as per following Statement:—

III.
External
and Internal
Commerce.

(1.)

B E N G A L.

America :
Western Coast
of South America;
Imports.

SOUTH AMERICA.—IMPORTS :	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Copper - - - - - <i>maunds</i>	6,498	1,60,730	9,192	2,66,003
Champaign - - - - -	-	-	-	3,004
Gin - - - - -	-	-	-	4,510
Pewter - - - - -	-	-	545	7,920
Sundries - - - - -	-	1,598	-	4,663
Velvets, Foreign - - - - -	-	-	-	2,025
		1,62,328	-	2,88,125
Treasure - - - - -	-	20,250	-	2,10,645
		1,82,578	-	4,98,770
		Deduct	-	1,82,578
		Net Increase	-	3,16,192

384. The details of the increase are shown in the following Statement ; viz.

IMPORTS :	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Copper - - - - - <i>maunds</i>	2,694	1,05,273	—	—
Champaign - - - - -	-	3,004	—	—
Gin - - - - -	-	4,510	—	—
Pewter - - - - -	545	7,920	—	—
Sundries - - - - -	-	3,065	—	—
Velvets, Foreign - - - - -	-	2,025	—	—
		1,25,797		
Treasure - - - - -	-	1,90,395		

385. The value of shipments made to the Western Coast of South America, in the year 1828-29, amounted to sicca rupees 99,605, and as there were no Exportations in the foregoing year, this sum appears as a comparative excess between the two years, as per annexed Exhibit :

Exports.

EXPORTS:	1827-28.		1828-29.	
	Quantity.	Value.	Quantity.	Value.
Silk Piece Goods - - - - - <i>pieces</i>	-	-	1,040	7,290
Sugar - - - - - <i>maunds</i>	-	-	10,784	86,275
Gunnies and Gunny Bags - - - - - <i>pieces</i>	-	-	30,000	2,640
Country Sundries - - - - -	-	-	-	1,091
Europe Sundries - - - - -	-	-	-	2,309
				99,605

(All Increase.)

III.

External
and Internal
Commerce.

(1.)

B E N G A L.

America :
Western Coast of
South America.

386. The comparison between the Imports and Exports of the year 1828-29 is sicca rupees 3,99,165, the former more than the latter; this balance of trade is partly met by the value of Piece Goods that are taken at Binlipatam and Ingeram, in competition of the adventure, and the residue may be considered as profits returned upon the preceding voyage. The trade with the Western Coast of South America is sustained by one or two adventures belonging to this port, and is commenced by shipments from hence. The articles of our produce taken in prosecution of the commerce, are coarse coloured and white Cotton Piece Goods, and Sugar. In respect to the first, it is probable that the United States of America will anticipate our supplies; and without Piece Goods the trade is not worth the pursuit. Our Imports are Copper and Bullion. We may consider our relations with this Western Coast of South America as capable of considerable extension, but liable to be interrupted, if not suspended, by the opposition of the United States of America, and by our supplies of Cotton Piece Goods being superseded also from England.

GENERAL OBSERVATIONS ON THE EXTERNAL TRADE OF BENGAL.

General
Observations.

External Trade.

387. Having closed our review of the Trade of Bengal in its details, we condense it by the following observations and recapitulations.

388. The aggregate of our commercial relations, that is of Imports and Exports, in the year 1828-29, stands at sicca rupees 8,91,40,258; which, compared with the previous year, or 1827-28, shows a deficiency in value of sicca rupees 1,70,67,009.

389. The total of our Importations in the year under consideration, was sicca rupees 3,70,95,106; which, compared with the value of receipts in the preceding year, is a deficiency of sicca rupees 51,04,070.

390. The total value of our Exportations was sicca rupees 5,20,45,152, and the comparison between the two years under review is a decline of sicca rupees 1,19,62,939 in the year 1828-29.

391. The amount of Importations (sicca rupees 3,70,95,106), comprehend the value of Merchandize, sicca rupees 3,01,92,732, and of Treasure, sicca rupees 69,02,374; which results, compared with those of the previous, or year 1827-28, are an increase in Merchandize, sicca rupees 21,95,165, and a decline in Treasure, sicca rupees 72,99,235.

392. The aggregate of Exports (sicca rupees 5,20,45,152), involves the value of Merchandize, sicca rupees 5,02,81,959, and of Treasure, sicca rupees 17,63,193. The comparison between which and the results of the preceding year, is a deficiency in Merchandize, sicca rupees 92,45,145, and in Treasure, sicca rupees 27,17,794.

393. The Statement which follows, exhibits the fluctuations that occurred in each description of Goods comprehended in the operations of the External Trade of the year 1828-29, compared with the previous year; viz.

IMPORTS :	I N C R E A S E.		D E C R E A S E.	
	Quantity.	Value.	Quantity.	Value.
Books - - - - -	- -	- -	- -	25,613
Beads - - - - -	- -	36,183	- -	-
Beetle-nuts - - - - -	- -	- -	2,110	10,378
Brimstone - - - - -	- -	- -	11,628	29,935
Broad Cloth and Woollen, British	- -	- -	- -	7,32,158
Ditto - ditto - Foreign	- -	- -	- -	98,676
Bottles, empty - - - - -	- -	- -	- -	22,371
Braziery - - - - -	- -	34,252	- -	-
Brass Ware - - - - -	- -	- -	- -	21,248
Brass Leaf - - - - -	- -	17,747	- -	-
Confectionery - - - - -	- -	- -	- -	6,664
Cutlery - - - - -	- -	- -	- -	14,062

IMPORTS—continued.	INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.
Copper, British - - - maunds	-	-	268	56,619
Copper, Foreign - - -	-	-	31,833	10,84,948
Clocks and Watches - - -	-	-	-	31,031
Cordage - - - - -	-	-	-	22,070
Coir - - - - - maunds	-	-	11,618	84,111
Corals, False - - - -	-	-	-	18,562
Carriages - - - - -	-	14,478	-	-
Corks - - - - -	-	-	-	13,325
Coffee - - - - - maunds	-	-	389	4,587
Chanks - - - - -	-	-	-	1,29,507
Camphire - - - - - maunds	-	-	20	8,358
Cocoa-nuts - - - - -	-	-	-	47,034
Cocoa-nut Oil - - - - maunds	-	-	3,847	39,627
Cocoa-nut Kernel - - -	13,393	31,976	-	-
Cassia - - - - -	1,202	24,398	-	-
Canvas and Vitry - - -	-	-	-	49,180
Cochineal - - - - - maunds	227	86,483	-	-
Coals - - - - -	-	-	-	25,314
Cotton Yarn, British - - maunds	3,477	2,19,359	-	-
Cotton Yarn, Foreign - -	45	7,042	-	-
Cotton Twist - - - - -	10,420	8,36,250	-	-
Cotton Mule Twist - - -	6,534	5,35,235	-	-
Cloves - - - - -	-	-	3,873	2,10,384
Cotton - - - - -	-	-	5,812	67,023
Dates - - - - -	8,370	12,218	-	-
Fowling-pieces and Pistols - -	-	-	-	38,736
Flannel and Blankets - -	-	-	-	89,372
Grocery - - - - -	-	-	-	22,653
Glass Ware - - - - -	-	-	-	1,26,412
Gall Nuts - - - - -	-	-	1,188	25,472
Gold Thread and Lace - -	-	-	-	20,908
Gums - - - - - maunds	-	-	2,383	13,461
Hosiery - - - - -	-	-	-	13,589
Haberdashery - - - - -	-	41,280	-	-
Hardware - - - - -	-	-	-	52,367
Iron, British - - - - - maunds	48,817	1,31,751	-	-
Iron, Foreign - - - - -	10,395	45,835	-	-
Ironmongery - - - - -	-	77,548	-	-
Instruments, Musical - -	-	-	-	17,848
Ditto - Mathematical, and Maps -	-	-	-	19,513
Indigo - - - - - maunds	270	26,232	-	-
Iron Pans - - - - -	-	-	-	15,524
Jewellery - - - - -	-	-	-	1,02,715
Kittisols - - - - -	-	13,095	-	-
Lead, British - - - - - maunds	10,864	69,734	-	-
Lead, Foreign - - - - -	15,249	80,108	-	-
Lead, Red - - - - -	-	-	-	17,133
Lead, White - - - - -	-	-	-	6,657
Lamita - - - - -	-	-	-	22,702
Millinery - - - - -	-	-	-	49,716
Medicines - - - - -	-	-	-	49,535
Machinery - - - - -	-	66,972	-	-
Mace - - - - - maunds	-	-	177	16,239
Military Stores - - - -	-	-	-	20,000
Nankeens - - - - - pieces	-	-	551	9,264
Nutmegs - - - - - maunds	349	27,792	-	-
Piece Goods and Cotton, British -	-	23,50,716	-	-
Ditto - ditto - Foreign - -	-	1,32,342	-	-
Ditto - Silk, British - -	-	1,96,549	-	-
Ditto - Cotton, Foreign - -	-	-	-	2,00,845
Perfumery - - - - -	-	-	-	10,370
Plated Ware - - - - -	-	-	-	75,041
Pictures and Prints - -	-	42,505	-	-
Pepper - - - - - maunds	-	-	9,299	95,613
Queen's Ware - - - - -	-	-	-	37,254
Quicksilver - - - - - maunds	244	36,081	-	-

III.
External
and Internal
Commerce.

(1.)
BENGAL.

General
Observations.
External Trade.

III. External and Internal Commerce. (1.) BENGAL.	IMPORTS—continued.	INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.
General Observations.	Stationery - - - - -	- - -	43,229	—	—
	Saddlery - - - - -	- - -	- - -	- - -	32,385
	Ship Chandlery - - - - -	- - -	- - -	- - -	16,261
	Sugar-candy - - - - -	- - -	- - -	- - -	15,190
	Sandal Wood - - - - - <i>maunds</i>	- - -	- - -	3,184	30,979
	Sappan Wood - - - - -	20,633	49,191	—	—
	Steel, Foreign - - - - -	- - -	- - -	3,493	6,481
	Skins and Hides - - - - -	- - -	17,737	—	—
	Segars - - - - -	- - -	47,681	—	—
	Sundries - - - - -	- - -	85,154	—	—
	Spelter - - - - - <i>maunds</i>	- - -	- - -	55,278	4,90,681
	Stick Lac - - - - -	- - -	- - -	861	11,953
	Salt - - - - -	12,411	37,233	—	—
	Steam-Engine - - - - -	- - -	- - -	- - -	50,304
	Timbers and Planks - - - - -	- - -	36,704	—	—
	Tin - - - - - <i>maunds</i>	18,208	4,35,196	—	—
	Tea - - - - - <i>chests</i>	- - -	- - -	6,121 $\frac{1}{2}$	1,41,038
	Tinsel - - - - -	- - -	- - -	- - -	19,845
	Tortoiseshell - - - - -	- - -	30,563	—	—
	Ticken and Quiltings - - - - -	- - -	11,006	—	—
	Velvets, Foreign - - - - -	- - -	- - -	- - -	96,776
	Vermillion - - - - -	- - -	- - -	- - -	36,357
	Wax - - - - - <i>maunds</i>	- - -	- - -	407	18,185
	Wearing Apparel - - - - -	- - -	- - -	- - -	47,143
	Barsac - - - - -	- - -	- - -	- - -	- - -
	Claret, English and Foreign - - - - -	- - -	- - -	- - -	- - -
	Champaign and Burgundy - - - - -	- - -	- - -	- - -	- - -
	Cape Wine - - - - -	- - -	- - -	- - -	- - -
	Constantia Wine - - - - -	- - -	- - -	- - -	- - -
	Hock - - - - -	- - -	- - -	- - -	- - -
	Hermitage - - - - -	- - -	- - -	- - -	- - -
	Lisbon Wine - - - - -	- - -	- - -	- - -	- - -
	Madeira Wine - - - - -	- - -	- - -	- - -	- - -
	Port Wine - - - - -	- - -	- - -	- - -	- - -
	Sheranz Wine - - - - -	- - -	- - -	- - -	- - -
	Sauterne - - - - -	- - -	- - -	- - -	- - -
	Vin de Grave - - - - -	- - -	- - -	- - -	- - -
	Sundries, Wine - - - - -	- - -	- - -	- - -	- - -
	Brandy, Cherry - - - - -	- - -	- - -	- - -	- - -
	Gin - - - - -	- - -	- - -	- - -	- - -
	Rum and Arrack - - - - -	- - -	- - -	- - -	- - -
	Whiskey - - - - -	- - -	- - -	- - -	- - -
	Cider and Perry - - - - -	- - -	- - -	- - -	3,822
	Sherry - - - - -	4,20,010	—	—	—
	Malt Liquor - - - - -	1,03,538	—	—	—
	Vinegar - - - - -	- - -	- - -	- - -	8,203
		72,12,492	- - -	- - -	50,17,327
		Treasure - - -		- - -	72,99,235
				- - -	1,23,16,562
		Deduct Increase - - -		- - -	72,12,492
		Net Decrease - - -		- - -	51,04,070

Decrease, Treasure - - - - - 72,99,235
Deduct Increase, Merchandize - - - - - 21,95,165

S. Rs. 51,04,070

			INCREASE.		DECREASE.		III. External and Internal Commerce.
			Quantity.	Value.	Quantity.	Value.	
EXPORTS :							(1.) BENGAL
Cotton Piece Goods	-	pieces	-	-	1,79,894	6,20,164	General Observations.
Silk ditto	-	—	-	-	14,226	4,75,042	
Shawls	-	—	-	17,819	35	—	External Trade.
Indigo	-	maunds	-	-	44,195	69,78,964	
Sugar	-	—	2,18,034	19,10,301	—	—	General Observations.
Silk	-	—	4,732	10,07,185	—	—	
Grain	-	—	-	-	81,138	61,702	External Trade.
Behar Opium	-	chests	-	-	1,064	23,81,495	
Benares Opium	-	—	-	-	250	6,56,745	General Observations.
Malwa Opium	-	—	-	-	35	50,025	
Saltpetre	-	maunds	20,110	1,21,041	—	—	External Trade.
Gums	-	—	-	-	2,889	24,621	
Cotton	-	—	-	-	15,001	6,74,439	General Observations.
Gunnies and Gunny Bags	-	pieces	14,76,879	44,735	—	—	
Lac Dye	-	—	-	-	1,586	3,03,569	External Trade.
Shell Lac	-	—	1,934	35,781	—	—	
Stick Lac	-	—	-	-	2,626	32,013	General Observations.
Long Pepper	-	—	-	-	760	17,148	
Turmeric	-	—	11,091	43,593	—	—	External Trade.
Castor Oil	-	—	1,132	20,093	—	—	
Safflower	-	maunds	-	-	2,175	51,089	General Observations.
Ginger	-	—	3,724	14,294	—	—	
Wax Candles	-	—	-	-	151	10,03 4	External Trade.
Salammoniac	-	—	788	10,614	—	—	
Borax and Tincal	-	-	1,570	27,969	—	—	General Observations.
Salt Provision	-	-	-	31,729	—	—	
Canvas	-	bolts	-	-	3,734	51,066	External Trade.
Jute Rope	-	maunds	9,836	13,322	—	—	
Saul Timbers	-	-	-	14,657	—	—	General Observations.
Comercolly Feathers	-	-	-	-	-	27,227	
Carriages and Palanquins	-	-	65	36,431	—	—	External Trade.
Country Sundries	-	-	-	-	—	27,726	
Cloves	-	maunds	-	-	1,363	64,010	General Observations.
Nutmegs	-	—	-	-	113	9,985	
Mace	-	—	-	-	225	22,722	External Trade.
Madeira Wine	-	pipes	-	-	230½	77,512	
Liquor	-	-	-	47,797	—	—	General Observations.
Pepper	-	maunds	-	-	8,869	83,695	
Copper, British	-	—	-	-	811	33,812	External Trade.
Ditto, Foreign	-	—	-	-	230	24,990	
Tin Plates and Ware	-	-	-	-	-	10,915	General Observations.
Coffee	-	maunds	-	-	2,887	56,668	
Ratans	-	-	-	16,581	—	—	External Trade.
Gall Nuts	-	maunds	-	-	782	18,747	
Camphire	-	—	-	-	333	20,078	General Observations.
Sandal Wood	-	—	-	-	1,207	11,828	
Broad Cloth and Woollen	-	-	-	2,99,903	—	—	External Trade.
Cotton Piece Goods, British	-	-	-	-	-	1,25,499	
Cotton Piece Goods, Foreign	-	-	-	-	-	1,05,171	General Observations.
Silk Piece Goods, British	-	-	-	1,01,198	—	—	
Ditto Foreign	-	-	-	—	-	18,585	External Trade.
Cochineal	-	maunds	83	35,134	—	—	
Pearls, Diamonds and Emeralds	-	-	-	10,661	—	—	General Observations.
Books, Foreign	-	-	-	19,307	—	—	
Tortoise-shell	-	maunds	15½	22,668	—	—	External Trade.
Gums, Foreign	-	—	1,913	14,138	—	—	
Skins, ditto	-	—	-	-	-	16,395	General Observations.
Tea	-	chests	-	-	355	12,323	
Iron, British	-	maunds	-	-	1,474	11,823	External Trade.
Tin	-	—	1,526	34,023	—	—	
Corks	-	-	-	10,294	—	—	General Observations.
Corals	-	-	-	-	-	31,683	
Instruments, Musical	-	-	-	14,757	—	—	External Trade.
Hosiery	-	-	-	-	-	11,741	

III. External and Internal Commerce. (1.) BENGAL. General Observations. External Trade.	EXPORTS:—continued.				INCREASE.		DECREASE.	
					Quantity.	Value.	Quantity.	Value.
	Cotton, Foreign	-	-	maunds	906	10,624	—	—
	Cotton Twist, British	-	-	—	103	10,371	—	—
	Flannel	-	-	-	-	27,365	—	—
	Europe Sundries	-	-	-	-	-	-	58,279
						40,24,385	-	1,32,69,530
	Treasure	-	-	-			-	27,17,794
	Deduct Increase	-	-	-			-	1,59,87,324
	Net Decrease	-	-	-			-	10,24,385
								1,19,62,939
	Decrease, Merchandize	-	-	-	-	-	-	92,45,145
	Ditto - Treasure	-	-	-	-	-	-	27,17,794
								S. Rs. 1,19,62,939

394. The Importations of the year under consideration, having been shown to amount to sicca rupees 3,70,95,106, and Exportations at sicca rupees 5,20,45,152, the following Statement contains a condensed view of our Commerce with each Division of the Globe; and, subdividedly, with each Kingdom or State, at present maintaining relations with India, the value of which is reduced to comparative proportions. The trade of the Honourable Company, as heretofore, is shown below.

ABSTRACT STATEMENT of IMPORTS and EXPORTS in the Year 1828-29.

	IMPORTS.	Per-centage.	EXPORTS.	Per-centage.
EUROPE:				
United Kingdom - - - - -	(a) 2,24,29,808	6 $\frac{7}{16}$	(b) 2,70,07,907	51 $\frac{14}{16}$
France - - - - -	22,04,250	5 $\frac{12}{16}$	23,87,107	4 $\frac{9}{16}$
Hamburgh - - - - -	3,73,232	1	—	—
Sweden - - - - -	82,761	— $\frac{1}{16}$	1,74,322	— $\frac{5}{16}$
Portugal - - - - -	-	-	1,12,433	— $\frac{4}{16}$
	2,50,90,051	67 $\frac{10}{16}$	2,96,81,769	57
ASIA:				
Coast of Coromandel - - -	5,31,130	1 $\frac{7}{16}$	6,51,227	1 $\frac{4}{16}$
Coast of Malabar - - - -	7,98,641	2 $\frac{3}{16}$	17,09,272	3 $\frac{5}{16}$
Ceylon - - - - -	33,170	— $\frac{1}{16}$	29,286	— $\frac{1}{16}$
New South Wales - - - -	25,088	— $\frac{1}{16}$	76,585	— $\frac{2}{16}$
Arabian and Persian Gulfs - -	7,78,281	2 $\frac{2}{16}$	17,98,927	3 $\frac{7}{16}$
Penang and Eastward - - -	16,48,760	4 $\frac{7}{16}$	(c) 31,68,333	6 $\frac{2}{16}$
Java - - - - -	1,40,945	— $\frac{6}{16}$	1,74,299	— $\frac{5}{16}$
Manilla - - - - -	31,710	— $\frac{1}{16}$	—	—
China - - - - -	30,43,828	8 $\frac{3}{16}$	(d) 97,69,876	18 $\frac{12}{16}$
Pegue - - - - -	(e) 22,25,291	6	9,35,162	1 $\frac{13}{16}$
Maldiv Islands - - - - -	89,374	— $\frac{4}{16}$	51,271	— $\frac{2}{16}$
	93,46,218	25 $\frac{3}{16}$	1,83,64,238	35 $\frac{5}{16}$
AFRICA:				
Mauritius - - - - -	1,21,798	— $\frac{5}{16}$	16,04,050	3 $\frac{1}{16}$
Cape of Good Hope - - - -	17,173	— $\frac{1}{16}$	1,25,237	— $\frac{4}{16}$
	1,38,971	— $\frac{6}{16}$	17,29,287	3 $\frac{5}{16}$

	IMPORTS.	Per-centage.	EXPORTS.	Per-centage.
AMERICA :				
United States of America - -	20,21,096	5 $\frac{7}{16}$	16,01,632	3 $\frac{1}{16}$
Brazils - - - - -	-	-	5,68,621	1 $\frac{2}{16}$
South America - - - - -	4,98,770	1 $\frac{6}{16}$	99,605	— $\frac{3}{16}$
	25,19,866	6 $\frac{13}{16}$	22,69,858	4 $\frac{6}{16}$
GRAND TOTAL - - - S. Rs.	3,70,95,106	100	5,20,45,152	100

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

General
Observations.

External Trade.

(a)

Honourable Company's Trade	-	-	-	3,98,330
Private Individuals	-	-	-	2,20,31,478
				<u>S. Rs. 2,24,29,808</u>

(b)

Honourable Company's Trade	-	-	-	1,41,26,165
Private ditto	-	-	-	1,28,81,742
				<u>S. Rs. 2,70,07,907</u>

(c)

Honourable Company's Trade	-	-	-	3,00,000
Private ditto	-	-	-	28,68,333
				<u>S. Rs. 31,68,333</u>

(d)

Honourable Company's Trade	-	-	-	22,45,429
Private ditto	-	-	-	75,24,447
				<u>S. Rs. 97,69,876</u>

(e)

Honourable Company's Trade	-	-	-	14,87,570
Private ditto	-	-	-	7,37,721
				<u>S. Rs. 22,25,291</u>

395. We have already shown that the amount of Importations in the year under consideration was sicca rupees 3,70,95,106, and that it comprehends the value of Merchandize at sicca rupees 3,01,92,732, and of Treasure sicca rupees 69,02,374. This amount subdivided, in order to exhibit the collection of duties thereon, stands thus :

Value of Merchandize imported on}	S. Rs. 2,15,61,687	-	-	Duty	9,94,855
British vessels - - - - -	-	-	-	-	-
Ditto - - on foreign vessels	S. Rs. 21,91,998	-	-	-	3,43,607
	<u>S. Rs. 2,37,53,685</u>	-	-	-	<u>13,38,462</u>

396. The exports have been presented at an aggregate of sicca rupees 5,20,45,152, made up of the value of Merchandize at sicca rupees 5,02,81,959, and of Treasure sicca rupees 17,63,193. The duty collected on the former has been sicca rupees 1,37,006, as under :

Value of Merchandize exported on}	S. Rs. 19,28,066	-	-	Duty	57,304
British vessels - - - - -	-	-	-	-	-
Ditto - - on foreign ditto	S. Rs. 17,66,548	-	-	-	79,702
	<u>S. Rs. 36,94,614</u>	-	-	-	<u>1,37,006</u>

397. The

III.

External
and Internal
Commerce.

(1.)

BENGAL.

General
Observations.

External Trade.

397. The proportions of the collections, or duties paid, are as under :

Imports on British vessels	-	-	-	a'	4.	9.	9 $\frac{3}{4}$.	per cent.
Ditto - Foreign ditto	-	-	-	a'	15.	10.	9 $\frac{3}{4}$.	—
Exports on British ditto	-	-	-	a'	2.	15.	6 $\frac{1}{4}$.	—
Ditto - Foreign ditto	-	-	-	a'	4.	8.	2 $\frac{1}{4}$.	—

as detailed in the following Statements.

	On British Ships.		On Foreign Ships.		TOTAL.	
	Value of Merchandize.	Amount Duty.	Value of Merchandize.	Amount Duty.	Value of Merchandize.	Amount Duty.
IMPORTS :						
Duty - - -	2,15,61,687	9,94,855	21,91,998	3,43,607	2,37,53,685	13,38,462
Free - - -	64,39,047	- - -	- - -	- - -	64,39,047	—
Treasure - -	46,74,218	- - -	22,28,156	- - -	69,02,374	—
	3,26,74,952	9,94,855	44,20,154	3,43,607	3,70,95,106	13,38,462
EXPORTS :						
Duty - - -	19,28,066	57,304	17,66,548	79,702	36,94,614	1,37,006
Free - - -	4,48,25,716	- - -	17,61,629	- - -	4,65,87,345	—
Treasure - -	17,51,943	- - -	11,250	- - -	17,63,193	—
	4,85,05,725	57,304	35,39,427	79,702	5,20,45,152	1,37,006
Grand Total -	8,11,80,677	10,52,159	79,59,581	4,23,309	8,91,40,258	14,75,468

Amount of Duties on Imports by Sea	-	-	-	-	13,38,462
Ditto - - ditto Exports by Sea	-	-	-	-	1,37,006
				S. Rs.	14,75,468

Amount of Duties collected on Merchandize imported and exported on British ships	-	-	-	-	10,52,159
Amount of Duties collected on Merchandize imported and exported on foreign ships	-	-	-	-	4,23,309
Total - - -				S. Rs.	14,75,468

398. The comparison in the collection of duties between the two years under consideration, is an excess in the year 1828-29 of sicca rupees 52,543, made up by an increase on Imports of sicca rupees 1,29,851, and a decrease on Exportations of sicca rupees 77,308, as represented in the annexed Table :

1828-29 :					
Amount of Government Customs on Imports by Sea	-	-	13,38,462		
Ditto - - - - ditto - on Exports by Sea	-	-	1,37,006		
					14,75,468
1827-28 :					
Amount of Government Customs on Imports by Sea	-	-	12,08,611		
Ditto - - - - ditto - on Exports by Sea	-	-	2,14,314		
					14,22,925
Excess in the Revenue of External Commerce of 1828-29 - S. Rs.					52,543

399. Before closing our Report on the External Commerce of Bengal, we submit here a retrospect of the last ten years, drawing a comparison between the five years last past, or the years 1824-25 to 1828-29, and the five years antecedent to that period, or the years 1819-20 to 1823-24, the aggregate result of which is a decrease in

in the trade by sicca rupees 6,41,29,143, comprehended in Imports sicca rupees 4,56,89,720, and on Exports, sicca rupees 1,84,39,423, the illustration of which exhibit is comprised in the following Abstract :

COMPARATIVE VIEW of Ten Years Trade, that is, the Trade of the Years 1819-20 to 1823-24, compared with that of the Years 1824-25 to 1828-29.

	IMPORTS.				EXPORTS.			
	1819-20 to 1823-24.	1824-25 to 1828-29.	Increase.	Decrease.	1819-20 to 1823-24.	1824-25 to 1828-29.	Increase.	Decrease.
Europe - -	10,88,05,442	9,51,26,089	-	1,36,79,353	14,03,09,180	15,53,51,222	1,50,42,042	—
Asia - - -	7,79,22,304	7,39,71,996	-	39,50,308	14,28,14,076	10,69,96,229	- -	3,58,17,847
Africa - -	43,82,234	19,29,806	-	24,52,428	86,39,258	71,35,787	- -	15,03,471
America - -	4,55,89,775	1,99,82,144	-	2,56,07,631	2,30,00,202	1,17,98,013	- -	1,12,02,189
	23,66,99,755	19,10,10,035	-	4,56,89,720	31,47,62,716	28,12,81,251	1,50,42,042	3,34,81,465

400. Reducing the above so as to show the progress or decline of each particular trade, we subjoin the following Statement :

	IMPORTS.				EXPORTS.			
	1819-20 to 1823-24.	1824-25 to 1828-29.	Increase.	Decrease.	1819-20 to 1823-24.	1824-25 to 1828-29.	Increase.	Decrease.
United Kingdom -	8,98,91,490	8,50,20,332	- -	48,71,158	12,46,38,348	14,32,58,915	1,86,20,567	—
France - - -	80,02,666	82,63,759	2,61,093	- -	63,73,944	94,60,343	30,86,399	—
Hamburgh - -	- - -	6,31,752	6,31,752	—	—	—	—	—
Denmark - - -	3,96,742	73,540	- -	3,23,202	8,29,925	1,60,624	- -	6,69,301
Sweden - - -	- - -	2,34,809	2,34,809	- -	- - -	5,00,776	5,00,776	—
Portugal - - -	30,22,968	8,10,079	- -	75,12,889	6,22,00,987	16,11,279	- -	46,09,708
Holland - - -	26,323	- - -	- -	26,323	1,04,320	- - -	- -	1,04,320
Gibraltar and Malta	25,65,253	91,818	- -	24,73,435	21,41,656	3,59,285	- -	17,82,371
America - - -	1,96,75,437	1,11,64,088	- -	85,11,349	1,47,02,952	88,58,003	- -	58,44,950
Brazils - - -	45,81,614	23,50,018	- -	22,31,596	26,55,055	19,43,614	- -	7,11,441
South America -	1,13,32,724	64,68,038	- -	48,64,686	56,42,195	9,96,397	- -	46,45,798
Coast of Coromandel	44,53,894	1,06,73,583	62,19,689	- -	1,59,25,977	78,09,054	- -	81,16,923
Ditto of Malabar -	70,51,057	41,74,478	- -	28,76,579	1,63,67,046	82,66,448	- -	81,00,598
Ditto of Sumatra -	27,98,681	11,73,196	- -	16,25,485	24,18,711	5,04,895	- -	19,13,816
Ceylon - - -	5,01,770	9,71,314	4,69,544	- -	6,85,182	3,06,423	- -	3,78,760
New South Wales -	2,75,821	5,13,767	2,37,946	- -	13,46,792	4,59,621	- -	8,87,171
Arabian and Persian Gulfs - - -	20,51,12,131	81,34,826	- -	1,23,77,305	2,03,43,019	1,21,01,178	- -	82,41,841
Penang & Eastward	73,04,503	57,19,128	- -	15,85,375	1,31,02,769	92,52,893	- -	38,49,876
Java - - -	82,10,977	43,09,575	- -	39,01,402	1,24,45,718	32,07,662	- -	92,38,056
Manilla - - -	32,92,869	6,55,370	- -	26,37,499	18,89,326	9,53,692	- -	9,35,634
China - - -	3,08,09,044	2,52,66,619	- -	55,42,425	5,68,59,712	5,87,53,868	18,94,156	—
Pegue - - -	16,64,018	1,17,81,438	1,01,17,420	- -	11,92,211	51,86,623	39,94,412	—
Maldiv Islands -	6,47,539	5,98,702	- -	48,837	2,37,613	1,93,873	- -	43,740
Mauritius - - -	37,96,307	15,29,549	- -	22,66,758	58,10,447	61,95,160	3,84,713	—
Cape of Good Hope	5,20,322	4,00,257	- -	1,20,065	28,12,560	9,40,627	- -	18,71,933
Mosambique - -	65,605	- - -	- -	65,605	16,251	- - -	- -	16,251
	23,66,99,755	19,10,10,035	1,81,72,253	6,38,61,973	31,47,62,716	28,12,81,251	2,84,81,023	6,19,62,488

The details of the above Statements are included in the Tables that follow :

APPENDIX TO REPORT ON THE

ABSTRACT

	TOTAL			EUROPE.		
	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.
IMPORTS :						
1819-20 - - -	1,75,21,977	4,10,84,670	5,86,06,647	93,84,460	1,98,24,528	2,92,08,988
1820-21 - - -	2,24,45,163	2,40,71,335	4,65,16,498	1,22,46,405	69,20,828	1,91,67,233
1821-22 - - -	2,59,03,599	2,21,40,437	4,80,53,036	1,59,77,478	53,43,450	2,13,20,928
1822-23 - - -	2,68,66,535	1,72,89,382	4,41,55,917	1,90,98,745	35,55,876	2,26,64,621
1823-24 - - -	2,61,98,443	1,31,69,214	3,93,67,657	1,63,19,640	5,24,032	1,68,43,672
Total of Five Years -	11,89,35,717	11,77,64,038	23,66,99,755	7,30,26,728	3,57,78,714	10,88,05,442
1824-25 - - -	2,86,55,916	1,21,42,271	4,07,98,187	1,87,28,012	4,65,982	1,91,93,994
1825-26 - - -	2,14,98,729	1,50,58,005	3,65,56,734	1,37,10,726	5,97,232	1,43,07,956
1826-27 - - -	2,17,60,679	1,26,00,153	3,43,60,832	1,39,75,920	8,28,877	1,48,04,797
1827-28 - - -	2,79,97,567	1,42,01,609	4,21,99,176	2,06,16,198	11,13,091	2,17,29,289
1828-29 - - -	3,01,92,732	69,02,374	3,70,95,106	2,43,48,134	7,41,917	2,50,90,051
Total of Five Years -	13,01,05,623	6,09,04,412	19,10,10,035	9,13,78,990	37,47,099	9,51,26,089
Increase - - -	1,83,52,262	89,087	- - -	1,83,52,262	- - -	- - -
Decrease - - -	71,82,356	5,69,48,713	4,56,89,720	- - -	3,20,31,615	1,36,79,353
EXPORTS :						
1819-20 - - -	5,43,31,305	66,47,505	6,09,78,810	2,57,98,005	- - -	2,57,98,005
1820-21 - - -	5,68,03,248	12,29,363	5,80,32,611	2,46,66,838	4,106	2,46,70,944
1821-22 - - -	5,35,53,123	1,23,96,395	6,59,49,518	2,14,33,207	1,10,13,500	3,24,46,707
1822-23 - - -	6,18,51,480	51,51,966	6,70,03,446	2,97,68,249	5,460	2,97,73,709
1823-24 - - -	5,05,45,292	1,22,53,039	6,27,98,331	2,32,05,475	44,14,340	2,76,19,815
Total of Five Years -	27,70,84,448	3,76,78,268	31,47,62,716	12,48,71,774	1,54,37,406	14,03,09,180
1824-25 - - -	5,26,16,355	34,91,676	5,61,08,031	2,83,35,532	2,69,466	2,86,04,998
1825-26 - - -	5,66,39,922	1,38,704	5,67,78,626	3,24,26,116	1,005	3,24,27,121
1826-27 - - -	5,12,26,319	11,15,032	5,23,41,351	2,66,88,176	3,78,032	2,70,66,208
1827-28 - - -	5,95,27,104	44,80,987	6,40,08,091	3,33,91,927	41,79,199	3,75,71,126
1828-29 - - -	5,02,81,959	17,63,193	5,20,45,152	2,84,40,326	12,41,443	2,96,81,769
Total of Five Years -	27,02,91,659	1,09,89,592	28,12,81,251	14,92,82,077	60,69,145	15,53,51,222
Increase - - -	2,44,10,303	12,24,528	1,50,42,042	2,44,10,303	- - -	1,50,42,042
Decrease - - -	3,12,03,092	2,79,13,204	4,85,23,507	- - -	93,68,261	- - -

ABSTRACT.

ASIA.			AFRICA.			AMERICA.		
Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.
66,31,282	1,38,01,162	2,04,32,444	4,85,713	2,97,767	7,83,480	10,20,522	71,61,213	81,81,735
81,83,280	1,18,92,019	2,00,75,299	8,53,076	5,00,661	13,53,737	11,62,402	47,57,827	59,20,229
79,23,917	93,74,688	1,72,98,605	7,01,437	1,20,871	8,22,308	13,00,767	73,10,428	86,11,195
61,82,403	77,01,395	1,38,83,798	7,83,906	82,439	8,66,345	8,01,481	59,39,672	67,41,153
80,40,242	77,91,916	1,58,32,158	5,48,157	8,207	5,56,364	12,90,404	48,45,059	61,35,463
3,69,61,124	4,09,61,180	7,79,22,304	33,72,289	10,09,945	43,82,234	55,75,576	4,00,14,199	4,55,89,775
82,62,072	66,57,526	1,49,19,598	2,62,827	35,859	2,98,686	14,03,005	49,82,904	63,85,909
66,85,528	1,04,59,287	1,71,44,815	2,98,830	1,18,340	4,17,170	8,03,645	38,83,146	46,86,791
66,80,615	93,24,442	1,60,05,057	6,01,592	73,791	6,75,383	5,02,552	23,73,043	28,75,595
63,18,007	1,02,38,301	1,65,56,308	3,65,846	33,750	3,99,596	6,97,516	28,16,467	35,13,983
49,75,507	43,70,711	93,46,218	1,27,859	11,112	1,38,971	7,41,232	17,78,634	25,19,866
3,29,21,729	4,10,50,267	7,39,71,996	16,56,954	2,72,852	19,29,806	41,47,950	1,58,34,194	1,99,82,144
- - -	89,087	-	-	-	-	-	-	-
40,39,395	- - -	39,50,308	17,15,335	7,37,093	24,52,428	14,27,626	2,41,80,005	2,56,07,631
2,08,65,368	64,39,878	2,73,05,246	12,95,240	2,07,627	15,02,867	63,72,692	- - -	63,72,692
2,65,08,286	8,86,850	2,73,95,136	11,00,115	3,38,407	14,38,522	45,28,009	- - -	45,28,009
2,49,11,273	10,07,985	2,59,19,258	17,45,114	3,25,410	20,70,524	54,63,529	49,500	55,13,029
2,65,70,891	51,46,506	3,17,17,397	19,59,780	- - -	19,59,780	35,52,560	- - -	35,52,560
2,27,85,875	76,91,164	3,04,77,039	15,20,030	1,47,535	16,67,565	30,33,912	- - -	30,33,912
2,16,41,693	2,11,72,383	4,28,14,076	76,20,279	10,18,979	86,39,258	2,29,50,702	49,500	2,30,00,202
2,02,45,789	19,72,229	2,22,18,018	6,13,493	12,49,981	18,63,474	34,21,541	- - -	34,21,541
2,05,90,651	74,423	2,06,65,074	7,44,620	59,276	8,03,896	28,78,535	4,000	28,82,535
2,27,37,066	2,39,000	2,29,76,066	7,02,214	4,98,000	12,00,214	10,98,863	- - -	10,98,863
2,26,87,795	85,038	2,27,72,833	13,22,106	2,16,750	15,38,916	21,25,216	- - -	21,25,216
1,80,61,988	3,02,250	1,83,64,238	15,09,787	2,19,500	17,29,287	22,69,858	- - -	22,69,858
10,43,23,289	26,72,940	10,69,96,229	48,92,280	22,43,507	71,35,787	1,17,94,013	4,000	1,17,98,013
- - -	- - -	- - -	- - -	12,24,528	-	-	-	-
1,73,18,404	1,84,09,443	3,58,17,847	27,27,999	- - -	15,03,471	1,11,56,689	45,500	1,12,02,189

COMPARATIVE ABSTRACT STATEMENT of IMPORTS and EXPORTS

		1819-20.			1820-21.		
		Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.
IMPORTS:							
EUROPE	United Kingdom	86,33,573	1,54,55,480	2,40,89,053	1,13,20,797	30,14,421	1,43,35,218
	France	3,34,245	10,31,292	13,65,537	2,33,183	10,42,070	12,75,253
	Hamburgh	-	-	-	-	-	-
	Denmark	93,994	1,11,105	2,05,099	62,740	56,250	1,18,990
	Sweden	-	-	-	-	-	-
	Portugal	48,601	17,18,618	17,67,219	2,60,984	24,89,516	27,50,500
	Holland	26,323	-	26,323	-	-	-
AMERICA	Gibraltar and Malta	2,47,724	15,08,033	17,55,757	3,68,701	3,18,571	6,87,272
	America	1,32,278	45,06,510	47,28,788	1,59,655	27,28,519	28,88,174
	Brazil	8,774	11,77,192	11,85,966	38,597	13,54,560	13,93,157
	South America	8,79,470	13,87,511	22,66,981	9,64,150	6,74,748	16,38,898
	Coast of Coromandel	8,12,959	1,15,570	9,28,529	6,76,116	2,15,240	8,91,356
	Coast of Malabar	12,20,528	3,23,075	15,43,603	11,06,395	2,38,854	13,45,249
	Coast of Sumatra	2,55,272	6,30,212	8,85,484	1,78,706	3,76,972	5,55,678
ASIA	Ceylon	69,324	18,000	87,324	1,59,355	-	1,59,355
	New South Wales	9,685	11,250	20,935	61,391	5,625	67,016
	Arabian and Persian Gulfs	11,82,024	40,21,028	52,03,052	12,09,273	42,00,689	54,09,962
	Penang and Eastward	3,72,683	9,70,436	13,43,119	9,21,560	5,70,117	14,91,677
	Java	3,09,476	19,09,033	22,18,509	4,41,501	4,78,792	9,20,293
	Manilla	63,945	6,65,957	7,29,902	62,190	12,43,611	13,05,801
	China	20,53,882	50,75,144	71,29,026	30,47,431	45,38,564	75,85,995
AFRICA	Pegue	1,78,124	60,557	2,38,681	2,20,093	23,555	2,44,648
	Maldiv Islands	1,03,380	-	1,03,380	98,369	-	98,369
	Mauritius	4,44,059	2,28,237	6,72,296	8,32,200	3,58,911	11,91,111
	Cape of Good Hope	35,340	44,233	79,573	20,876	1,41,750	1,62,626
	Mosambique	6,314	25,297	31,611	-	-	-
		1,75,21,977	4,10,84,670	5,86,06,647	2,24,45,163	2,40,71,335	4,65,16,498
EXPORTS:							
EUROPE	United Kingdom	2,24,32,795	-	2,24,32,795	2,07,29,084	4,106	2,07,33,190
	France	11,61,961	-	11,61,961	15,11,637	-	15,11,637
	Hamburgh	-	-	-	-	-	-
	Denmark	6,84,723	-	6,84,723	54,145	-	54,145
	Sweden	-	-	-	-	-	-
	Portugal	9,99,504	-	9,99,504	22,18,168	-	22,18,168
	Holland	1,04,320	-	1,04,320	-	-	-
AMERICA	Gibraltar and Malta	4,14,702	-	4,14,702	1,53,804	-	1,53,804
	America	45,86,438	-	45,86,438	19,25,079	-	19,25,079
	Brazil	10,60,412	-	10,60,412	6,47,928	-	6,47,928
	South America	7,25,842	-	7,25,842	19,55,002	-	19,55,002
	Coast of Coromandel	11,28,232	35,48,584	46,76,816	11,63,230	90,000	12,53,230
	Coast of Malabar	41,48,874	-	41,48,874	25,25,695	-	25,25,695
	Coast of Sumatra	5,85,465	-	5,85,465	2,66,140	-	2,66,140
ASIA	Ceylon	1,71,437	-	1,71,437	41,612	-	41,612
	New South Wales	5,86,778	-	5,86,778	2,12,187	-	2,12,187
	Arabian and Persian Gulfs	50,50,985	-	50,50,985	36,71,131	-	36,71,131
	Penang and Eastward	8,86,612	2,22,588	11,09,200	23,52,718	2,86,500	26,39,218
	Java	25,18,604	-	25,18,604	30,84,782	2,14,200	32,98,982
	Manilla	2,80,298	-	2,80,298	3,44,461	-	3,44,461
	China	54,27,736	26,65,331	80,93,067	1,27,30,376	2,96,150	1,30,26,526
AFRICA	Pegue	49,785	3,375	53,160	95,443	-	95,443
	Maldiv Islands	30,562	-	30,562	20,511	-	20,511
	Mauritius	7,55,809	2,07,627	9,63,436	7,47,500	3,38,407	10,85,907
	Cape of Good Hope	5,25,560	-	5,25,560	3,52,615	-	3,52,615
	Mosambique	13,871	-	13,871	-	-	-
		5,43,31,305	66,47,505	6,09,78,810	5,68,03,248	12,29,363	5,80,32,611

to and from *Calcutta*, by Sea, from the Year 1819-1820 to 1828-1829.

1821-22.			1822-23.			1823-24.			TOTAL OF FIVE YEARS.		
Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.
1,51,63,826	16,47,458	1,68,11,284	1,80,98,611	1,70,758	1,82,69,369	1,58,62,534	5,24,032	1,63,86,566	6,90,79,341	2,08,12,149	8,98,91,490
7,42,561	23,52,763	30,95,324	7,20,248	12,28,744	19,48,992	3,17,560	-	3,17,560	23,47,797	56,54,869	80,02,666
7,636	-	7,636	22,945	24,750	47,695	17,322	-	17,322	2,04,637	1,92,105	3,96,742
63,455	13,43,229	14,06,684	2,56,941	21,41,624	23,98,565	-	-	-	6,29,981	76,92,987	83,22,968
-	-	-	-	-	-	-	-	-	26,323	-	26,323
-	-	-	-	-	-	1,22,224	-	1,22,224	7,38,649	18,26,004	25,65,253
2,90,477	50,51,178	53,41,655	2,43,013	50,07,652	52,50,665	1,13,824	13,52,331	14,66,155	9,39,247	1,87,36,190	1,96,75,437
72,842	4,19,283	4,92,125	50,197	3,57,743	4,07,940	78,271	10,24,155	11,02,426	2,48,681	43,32,933	45,81,614
9,37,448	18,39,967	27,77,415	5,08,271	5,74,277	10,82,548	10,98,309	24,68,573	35,66,882	43,87,648	69,45,076	1,13,32,724
8,87,222	-	8,87,222	7,14,170	46,480	7,60,650	9,34,091	52,047	9,86,138	40,24,557	4,29,337	44,53,894
15,51,205	6,94,901	22,46,106	4,76,835	1,74,450	6,51,285	11,43,067	1,21,747	12,64,814	54,98,030	15,53,027	70,51,057
1,23,872	1,85,164	3,09,036	2,05,387	1,41,364	3,46,751	523,145	1,78,587	7,01,732	12,86,382	15,12,299	27,98,681
48,485	-	48,485	1,14,856	-	1,14,856	91,750	-	91,750	4,83,770	18,000	5,01,770
6,617	-	6,617	38,113	97,504	1,35,617	32,136	13,500	45,636	1,47,042	1,27,879	2,75,821
11,62,152	24,63,026	36,25,178	16,48,853	22,05,865	38,54,718	13,05,497	11,12,824	24,18,321	65,07,799	1,40,04,332	2,05,12,131
4,88,776	9,94,976	14,83,752	6,46,334	7,17,139	13,63,473	10,20,156	6,02,326	16,22,482	34,49,599	38,54,994	73,04,593
6,46,294	9,50,770	15,97,064	5,55,691	13,29,772	18,85,463	9,37,620	6,52,028	15,89,648	28,90,582	53,20,395	82,10,977
82,460	1,52,570	2,35,030	44,187	3,69,775	4,13,962	22,064	5,86,110	6,08,174	2,74,846	30,18,023	32,92,869
22,88,959	39,33,281	62,22,240	12,03,310	26,19,046	38,49,356	15,84,680	44,37,747	60,22,427	1,02,05,262	2,06,03,782	3,08,09,044
4,34,403	-	4,34,403	3,58,624	-	3,58,624	3,32,762	-	3,32,762	15,44,906	1,19,112	16,64,018
1,83,473	-	1,83,473	1,49,043	-	1,49,043	1,13,274	-	1,13,274	6,47,539	-	6,47,539
6,47,448	1,03,900	7,51,348	6,93,572	79,439	7,73,011	4,00,334	8,207	4,08,541	30,17,613	7,78,694	37,96,307
34,066	13,220	47,286	80,014	3,000	83,014	1,47,823	-	1,47,823	3,18,119	2,02,203	5,20,322
19,923	3,751	23,674	10,320	-	10,320	-	-	-	36,547	29,048	65,605
2,59,93,599	2,21,49,437	4,80,53,536	2,68,66,535	1,72,89,382	4,41,55,917	2,61,98,443	1,31,69,214	3,93,67,657	11,89,35,717	11,77,64,038	23,66,99,755
1,89,68,752	1,10,13,500	2,99,82,252	2,42,29,515	5,460	2,42,34,975	2,28,40,796	44,14,340	2,72,55,136	10,92,00,942	1,54,37,406	12,46,38,348
12,21,417	-	12,21,417	21,78,423	-	21,78,423	3,00,506	-	3,00,506	6,373,944	-	6,373,944
-	-	-	91,057	-	91,057	-	-	-	8,29,925	-	8,29,925
4,58,356	-	4,58,356	25,44,959	-	25,44,959	-	-	-	62,20,987	-	62,20,987
7,84,682	-	7,84,682	7,24,295	-	7,24,295	64,173	-	64,173	1,04,320	-	1,04,320
38,53,916	49,500	39,03,416	30,63,019	-	30,63,019	12,25,000	-	12,25,000	1,46,53,452	49,500	1,47,02,952
1,45,732	-	1,45,732	2,01,226	-	2,01,226	6,00,137	-	6,00,137	26,55,055	-	26,55,055
14,64,261	-	14,64,261	2,88,315	-	2,88,315	12,08,775	-	12,08,775	56,42,195	-	56,42,195
12,35,015	-	12,35,015	9,01,704	31,29,268	40,30,972	23,83,568	23,46,376	47,29,944	68,11,749	91,14,228	1,59,25,977
18,82,161	-	18,82,161	21,01,588	20,06,753	41,08,341	13,61,140	23,40,835	37,01,975	1,20,19,458	43,47,588	1,63,67,046
5,26,291	3,51,100	8,77,291	4,45,968	-	4,45,968	2,21,347	22,500	2,43,847	20,45,211	3,73,500	24,18,711
1,14,455	-	1,14,455	1,34,571	-	1,34,571	2,23,107	-	2,23,107	6,85,182	-	6,85,182
2,56,368	-	2,56,368	2,85,474	5,985	2,91,459	-	-	-	13,40,807	5,985	13,46,792
47,40,902	-	47,40,902	34,64,404	-	34,64,404	34,15,597	-	34,15,597	2,03,43,019	-	2,03,43,019
25,20,349	3,10,750	28,31,099	28,20,908	4,500	28,25,408	29,08,094	7,89,750	36,97,844	1,14,88,681	16,14,088	1,31,02,769
20,81,302	45,000	21,26,502	27,24,487	-	27,24,487	16,89,333	87,750	17,77,083	1,20,98,768	3,46,950	1,24,45,718
8,90,105	-	8,90,105	2,62,910	-	2,62,910	1,11,552	-	1,11,552	18,89,326	-	18,89,326
1,02,05,138	3,01,235	1,05,06,373	1,30,74,063	-	1,30,74,063	1,00,55,130	21,03,953	1,21,59,083	5,14,93,043	53,66,669	5,68,59,712
3,77,811	-	3,77,811	3,02,735	-	3,02,735	3,63,062	-	3,63,062	11,88,836	3,395	11,92,231
81,116	-	81,116	51,479	-	51,479	53,945	-	53,945	2,37,613	-	2,37,613
13,06,455	3,25,410	16,31,865	10,73,843	-	10,73,843	9,07,861	1,47,535	10,55,396	47,91,468	10,18,979	58,10,447
4,38,659	-	4,38,659	8,83,557	-	8,83,557	6,12,169	-	6,12,169	28,12,560	-	28,12,560
-	-	-	2,380	-	2,380	-	-	-	16,251	-	16,251
5,35,53,123	1,23,96,395	6,59,49,518	6,18,51,480	51,51,966	6,70,03,446	5,05,45,292	1,22,53,039	6,27,98,331	27,70,84,448	3,76,78,268	31,47,62,716

* continued on next page.

Comparative Abstract of Imports and Exports—continued.

1824-25.			1825-26.			1826-27.			1827-28.		
Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.
1,76,07,786	13,250	1,76,21,036	1,28,68,606	1,56,978	1,30,25,584	1,28,58,348	20,180	1,28,78,528	1,89,01,756	73,620	1,90,65,376
9,84,663	1,70,532	11,55,195	7,66,985	4,37,914	12,04,899	7,56,177	6,30,772	13,86,949	13,83,920	9,28,546	23,12,466
-	-	-	-	-	-	1,84,608	-	1,84,608	73,912	-	73,912
59,540	23,000	73,540	-	-	-	-	-	-	-	-	-
10,138	-	10,138	32,863	-	32,863	29,555	-	29,555	79,492	-	79,492
74,885	2,59,200	3,34,085	42,272	2,340	44,612	55,414	1,77,925	2,33,339	87,118	1,10,925	1,98,043
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	91,818	-	91,818	-	-	-
3,07,675	18,02,632	21,10,307	3,74,661	33,18,210	36,92,871	1,99,345	9,64,640	11,63,985	4,54,612	17,21,217	21,75,829
52,756	8,70,535	9,23,291	140	1,64,625	1,64,765	2,561	1,03,825	1,06,386	80,576	10,75,000	11,55,576
10,42,574	23,09,737	33,52,311	4,28,844	4,00,311	8,29,155	3,00,646	13,04,578	16,05,224	1,62,328	20,250	1,82,578
9,28,741	24,68,902	33,97,643	8,16,293	44,88,580	53,04,873	8,85,727	71,400	9,57,127	4,20,933	61,877	4,82,810
10,27,324	2,71,120	12,98,444	4,92,634	1,59,453	6,52,087	7,50,080	2,40,425	9,90,505	4,34,051	150	4,34,801
2,32,726	33,098	2,65,824	2,64,113	2,36,719	5,00,832	1,55,419	-	1,55,419	2,16,160	34,961	2,51,121
3,39,215	10,000	3,49,215	2,12,141	-	2,12,141	1,57,475	-	1,57,475	2,19,313	-	2,19,313
11,953	-	11,953	78,461	9,175	87,636	12,235	82,305	94,540	2,25,467	69,083	2,94,550
12,56,512	5,63,371	18,19,883	12,48,552	10,04,786	22,53,338	6,98,673	4,57,603	11,56,276	12,66,807	8,60,241	21,27,048
14,49,474	4,49,590	18,99,064	4,77,500	1,43,048	6,20,548	6,13,836	4,02,117	10,15,953	3,65,980	1,68,823	5,34,803
6,78,049	48,245	7,26,294	7,25,351	2,08,972	9,34,323	9,84,890	5,30,414	15,15,304	5,06,371	4,86,338	9,92,709
1,96,346	2,24,125	4,20,471	75,844	1,220	77,064	22,162	49,928	72,090	39,486	14,549	54,035
15,82,165	24,09,011	39,91,176	19,33,107	41,54,801	60,87,908	19,01,720	16,53,292	35,55,012	21,70,668	64,18,027	85,88,695
3,91,481	1,80,064	5,71,545	2,04,153	52,533	2,56,686	4,15,813	58,36,958	62,52,771	3,50,893	21,24,252	24,75,145
1,68,086	-	1,68,086	1,57,379	-	1,57,379	82,585	-	82,585	1,01,278	-	1,01,278
1,19,075	35,859	1,54,934	1,92,562	1,18,340	3,10,902	4,93,389	72,791	5,66,180	3,41,085	33,750	3,75,735
1,43,752	-	1,43,752	1,06,268	-	1,06,268	1,08,203	1,000	1,09,203	23,861	-	23,861
-	-	-	-	-	-	-	-	-	-	-	-
2,86,55,916	1,21,42,271	4,07,98,187	2,14,98,729	1,50,58,005	3,65,56,734	2,17,60,679	1,26,00,153	3,43,60,832	2,79,97,567	1,42,01,609	4,21,99,176
2,64,61,457	2,69,466	2,67,30,923	2,98,10,895	48	2,98,10,943	2,47,45,131	3,78,032	2,51,23,163	3,04,20,280	41,65,699	3,45,85,979
12,24,445	-	12,24,445	16,09,331	-	16,09,331	15,39,656	-	15,39,656	26,86,304	13,500	26,99,804
-	-	-	-	-	-	-	-	-	-	-	-
1,38,961	-	1,38,961	21,663	-	21,663	-	-	-	-	-	-
-	-	-	1,13,528	-	1,13,528	1,21,449	-	1,21,449	91,477	-	91,477
5,10,669	-	5,10,669	5,21,299	-	5,21,299	2,73,012	-	2,73,012	1,93,866	-	1,93,866
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	3,40,400	957	3,50,357	8,928	-	8,928	-	-	-
22,89,719	-	22,89,719	26,10,785	4,000	26,14,785	6,64,318	-	6,64,318	16,87,548	-	16,87,548
4,50,271	-	4,50,271	1,14,142	-	1,14,142	3,72,912	-	3,72,912	4,37,668	-	4,37,668
6,81,551	-	6,81,551	1,53,608	-	1,53,608	61,633	-	61,633	-	-	-
18,33,201	18,77,679	37,10,880	16,76,158	-	16,76,158	8,95,823	-	8,95,823	8,74,966	-	8,74,966
13,15,876	4,500	13,20,376	17,65,723	-	17,65,723	19,77,815	-	19,77,815	14,93,262	-	14,93,262
2,22,213	-	2,22,213	33,135	9,548	42,683	1,84,386	-	1,84,386	55,613	-	55,613
41,791	-	41,791	45,736	-	45,736	1,27,680	-	1,27,680	61,929	-	61,929
-	-	-	82,411	6,625	89,036	1,56,210	-	1,56,210	1,35,540	2,250	1,37,790
27,13,344	-	27,13,344	31,47,972	-	31,47,972	21,86,501	-	21,86,501	22,53,421	1,013	22,54,434
23,81,588	-	23,81,588	13,22,340	2,000	13,24,340	10,40,556	2,00,000	12,40,556	11,38,076	-	11,38,076
6,28,506	-	6,28,506	7,47,640	-	7,47,640	8,82,194	-	8,82,194	7,75,023	-	7,75,023
5,06,934	3,375	5,10,309	2,79,834	-	2,79,834	-	-	-	1,63,549	-	1,63,549
1,00,59,322	85,650	1,01,44,972	1,01,90,582	22,500	1,02,13,082	1,38,14,821	39,000	1,38,53,821	1,46,90,342	81,775	1,47,72,117
5,03,198	1,025	5,04,223	12,80,211	33,750	13,13,961	14,44,124	-	14,44,124	9,89,152	-	9,89,152
39,816	-	39,816	18,909	-	18,909	26,955	-	26,955	56,922	-	56,922
4,68,082	12,40,981	17,09,063	4,12,332	59,276	4,71,608	5,49,029	4,95,360	10,44,389	11,49,300	2,16,750	13,66,050
1,45,411	9,000	1,54,411	3,32,288	-	3,32,288	1,53,185	2,640	1,55,825	1,72,866	-	1,72,866
-	-	-	-	-	-	-	-	-	-	-	-
5,26,16,355	34,91,676	5,61,08,031	5,66,39,922	1,38,704	5,67,78,626	5,12,26,319	11,15,032	5,23,41,351	5,95,27,104	44,80,987	6,40,08,091

* continued from preceding page.

1828-29.			TOTAL OF FIVE YEARS.			INCREASE.	DECREASE.	
Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.	Sicca Rupees.	Sicca Rupees.	
2,21,81,707	2,48,101	2,24,29,808	8,45,08,203	5,12,129	8,50,20,332	-	48,71,158	United Kingdom
17,10,434	4,93,816	22,04,250	56,02,179	26,61,580	82,63,759	2,61,093	-	France
3,73,232	-	3,73,232	6,31,752	-	6,31,752	6,31,752	-	Hamburgh
-	-	-	50,540	23,000	73,540	-	3,23,202	Denmark
82,761	-	82,761	2,34,809	-	2,34,809	2,34,809	-	Sweden
-	-	-	2,59,689	5,50,390	8,10,079	-	75,12,889	Portugal
-	-	-	-	-	-	-	26,323	Holland
-	-	-	91,818	-	91,818	-	24,73,435	Gibraltar and Malta
4,53,107	15,67,989	20,21,096	17,89,400	93,74,688	1,11,64,088	-	85,11,349	America
-	-	-	1,39,033	22,13,985	23,50,018	-	22,31,596	Brazil
2,88,125	2,10,645	4,98,770	22,22,517	42,45,521	64,68,038	-	48,64,686	South America
3,09,569	1,31,561	5,31,130	34,51,263	72,22,320	1,06,73,583	62,19,689	-	Coast of Coromandel
5,86,354	2,12,287	7,98,641	32,91,043	8,83,435	41,74,478	-	28,76,579	Coast of Malabar
-	-	-	8,68,418	3,04,778	11,73,196	-	16,25,485	Coast of Sumatra
33,170	-	33,170	9,61,314	10,000	9,71,314	4,69,544	-	Ceylon
25,088	-	25,088	3,53,204	1,60,563	5,13,767	2,37,946	-	New South Wales
4,93,981	2,84,300	7,78,281	49,64,525	31,70,301	81,34,826	-	1,23,77,305	Arabian and Persian Gulfs
11,55,227	4,93,533	16,48,760	40,62,017	16,57,111	57,19,128	-	15,85,375	Penang and Eastward
1,25,117	15,828	1,40,945	30,19,778	12,89,797	43,09,575	-	39,01,402	Java
6,960	24,750	31,710	3,40,798	3,14,572	6,55,370	-	26,37,499	Manilla
16,63,521	13,80,307	30,43,828	92,51,181	1,60,15,438	2,52,66,619	-	55,42,425	China
3,97,146	18,28,145	22,25,291	17,59,486	1,00,21,952	1,17,81,438	1,01,17,420	-	Pegue
89,374	-	89,374	5,98,702	-	5,98,702	-	48,837	Maldiv Islands
1,15,298	6,500	1,21,798	12,62,309	2,67,240	15,29,549	-	22,66,758	Mauritius
12,561	4,612	17,173	3,94,645	5,612	4,00,257	-	1,20,065	Cape of Good Hope
-	-	-	-	-	-	-	65,605	Mosambique
3,01,92,732	69,02,374	3,70,95,106	13,01,05,623	6,09,04,412	19,10,10,035	1,81,72,253	6,38,61,973	
EXPORTS:								
2,57,66,464	12,41,443	2,70,07,907	13,72,04,227	60,54,688	14,32,58,915	1,86,20,567	-	United Kingdom
23,87,107	-	23,87,107	94,46,843	13,500	94,60,343	30,86,399	-	France
-	-	-	-	-	-	-	-	Hamburgh
-	-	-	1,60,624	-	1,60,624	-	6,69,301	Denmark
1,74,322	-	1,74,322	5,00,776	-	5,00,776	5,00,776	-	Sweden
1,12,433	-	1,12,433	16,11,279	-	16,11,279	-	46,09,708	Portugal
-	-	-	-	-	-	-	1,04,320	Holland
-	-	-	3,58,328	957	3,59,285	-	17,82,371	Gibraltar and Malta
16,01,632	-	16,01,632	88,54,002	4,000	88,58,002	-	58,44,950	America
5,68,621	-	5,68,621	19,43,614	-	19,43,614	-	7,11,441	Brazil
99,605	-	99,605	9,96,397	-	9,96,397	-	46,45,798	South America
6,51,227	-	6,51,227	59,31,375	18,77,679	78,09,054	-	81,16,923	Coast of Coromandel
17,09,272	-	17,09,272	82,61,948	4,500	82,66,448	-	81,00,598	Coast of Malabar
-	-	-	4,95,347	9,548	5,04,895	-	19,13,816	Coast of Sumatra
29,286	-	29,286	3,06,422	-	3,06,422	-	3,78,760	Ceylon
76,585	-	76,585	4,50,746	8,875	4,59,621	-	8,87,171	New South Wales
17,98,927	-	17,98,927	1,21,00,165	1,013	1,21,01,178	-	82,41,841	Arabian and Persian Gulfs
28,06,083	3,02,250	31,08,333	87,48,643	5,04,250	92,52,893	-	38,49,876	Penang and Eastward
1,74,299	-	1,74,299	32,07,662	-	32,07,662	-	92,38,056	Java
-	-	-	9,59,317	3,375	9,53,692	-	9,35,634	Manilla
97,69,876	-	97,69,876	5,85,24,943	2,28,925	5,87,53,868	18,94,156	-	China
9,35,162	-	9,35,162	51,51,848	34,775	51,86,623	39,94,412	-	Pegue
51,271	-	51,271	1,93,873	-	1,93,873	-	43,740	Maldiv Islands
13,84,550	2,19,500	16,04,050	39,63,293	22,31,867	61,95,160	3,84,713	-	Mauritius
1,25,237	-	1,25,237	9,28,987	11,640	9,40,627	-	18,71,933	Cape of Good Hope
-	-	-	-	-	-	-	16,251	Mosambique
5,02,81,959	17,63,193	5,20,45,152	27,02,91,659	1,09,89,592	28,12,81,251	2,84,81,023	6,19,62,488	

III.

INTERNAL TRADE.

External
and Internal
Commerce.

(1.)

B E N G A L.

General
Observations.

Internal Trade.

401. The review of the Internal Trade of Bengal for the year 1828-29, presents an aggregate of sicca rupees 6,74,12,763, which, compared with the amount of the transactions of the preceding year, is a deficiency of sicca rupees 32,17,824.

402. Of the above amount, Importations involved sicca rupees 5,33,29,946; and Exports sicca rupees 1,40,82,817. The comparison with the year 1827-28 being a decrease of the former of sicca rupees 6,60,288, and of the latter sicca rupees 25,57,536.

403. The transactions with the Honourable Company's possessions, in the year under consideration, were to the value of sicca rupees 6,54,97,881, contained in Imports, sicca rupees 5,18,40,909; and in Exports, sicca rupees 1,36,56,972; comprehending the value of the Honourable Company's investments in Imports, sicca rupees 2,31,81,313; and the private trade, in Imports, sicca rupees 2,86,59,596; and Exports, sicca rupees 1,36,56,972. With the Nawab Vizier's dominions our intercourse has been, in Imports, sicca rupees 9,96,992; and in Exports, sicca rupees 4,13,928. With the Mahratta States, on Imports, sicca rupees 1,80,091; with Cashmere, sicca rupees 2,78,332 in Imports; with Napaul and Botan, in Imports, sicca rupees 8,511; and in Exports, sicca rupees 10,678; and with Assam, in Imports, is sicca rupees 25,111; and in Exports, sicca rupees 1,239. These particulars are represented in the following Statement.

INTERNAL COMMERCE of 1828-29.	HONOURABLE COMPANY'S TRADE.			PRIVATE TRADE.			TOTAL.		
	Imports.	Exports.	Total.	Imports.	Exports.	Total.	Imports.	Exports.	Total.
Honourable Company's Dominions - - -	2,31,81,313	-	2,31,81,313	2,86,59,596	1,36,56,972	4,23,16,568	5,18,40,909	1,36,56,972	6,54,97,881
Nabob Vizier's Domi- nions - - -	-	-	-	9,96,992	4,13,928	14,10,920	9,96,992	4,13,928	14,10,920
Mahratta Provinces -	-	-	-	1,80,091	-	1,80,091	1,80,091	-	1,80,091
Cashmere - - -	-	-	-	2,78,332	-	2,78,332	2,78,332	-	2,78,332
Napaul and Bootan -	-	-	-	8,511	10,678	19,189	8,511	10,678	19,189
Assam - - -	-	-	-	25,111	1,239	26,350	25,111	1,239	26,350
Amount of Trade in 1828-29 - - -	2,31,81,313	-	2,31,81,313	3,01,48,633	14,08,281	74,42,31,450	5,33,29,946	1,40,82,817	6,74,12,763
Amount of Trade in 1827-28 - - -	2,18,58,600	-	2,18,58,600	3,21,31,634	1,66,40,353	4,87,71,987	5,39,90,234	1,66,40,353	7,06,30,587
Increase - - -	13,22,713	-	13,22,713	-	-	-	-	-	-
Decrease - - -	-	-	-	19,83,001	25,57,536	45,40,537	6,60,288	25,57,536	32,17,824
Net Decrease in the year 1828-29 - - -									32,17,824

404. The fluctuations of the year, comparing the results with the value of the operations of the year 1827-28, are as follows :

	IMPORTS.		EXPORTS.	
	Increase.	Decrease.	Increase.	Decrease.
Honourable Company's Trade	13,22,713	—	—	—
Private Trade - - -	- - -	20,15,398	- - -	23,46,294
Hon. Company's Dominions	13,22,713	20,15,398	- - -	23,46,294
Nabob Vizier's Dominions -	36,633	- - -	- - -	1,91,964
Mahratta Provinces - - -	- - -	1,30,455	—	—
Cashmere - - - -	1,22,515	—	—	—
Napaul and Bootan - - -	- - -	8,323	- - -	4,347
Assam - - - -	12,007	- - -	- - -	14,931
Total - - S. Rs.	14,93,888	21,54,176	- - -	25,57,536
Deduct Increase - -	- -	14,93,888	—	—
		6,60,288	- - -	25,57,536
			Add - - -	6,60,288
			Net Decrease in 1828-29 - -	32,17,824

III.
External
and Internal
Commerce.
(1.)
BENGAL.

405. The details of the fluctuations are exhibited in the following Statement of the Imports and Exports of the year under review, with the results compared with the operations of the previous year, the balance of which will be found to be a decrease of sicca rupees 32,17,824 in the year 1828-29, as already stated.

ABSTRACT STATEMENT of IMPORTS and EXPORTS by Land.

		1827-28.		1828-29.		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
IMPORTS:									
Cotton Piece Goods	<i>pieces</i>	18,72,318	44,14,731	16,98,803	36,97,362	- -	- -	1,73,515	7,17,369
Silk - - ditto	—	4,54,828	26,26,131	4,56,714	23,40,193	1,886	- -	- -	2,85,938
Embroidered ditto	—	1,079	23,644	853	13,748	- -	- -	826	9,896
Shawls - - -	—	3,994	1,55,817	2,283	2,78,332	- -	1,22,515	1,711	—
Indigo - - -	<i>maunds</i>	1,51,699	1,51,69,900	98,009	98,00,900	- -	- -	53,690	53,69,000
Sugar - - -	—	2,70,032	21,37,972	5,32,232	43,15,256	2,62,200	21,77,284	—	—
Silk - - -	—	17,284	77,82,210	24,582	1,01,24,577	7,298	23,42,367	—	—
Grain, of sorts - - -	- - -	7,62,800	10,21,687	7,88,711	8,75,310	25,911	- -	- -	1,46,377
Cotton - - -	<i>maunds</i>	3,21,041	37,41,040	3,00,056	36,33,813	- -	- -	20,985	1,07,227
Cotton Thread - - -	—	786	15,224	355	5,498	- -	- -	431	9,726
Jagree - - -	—	1,59,225	3,18,347	3,06,062	6,11,682	1,46,837	2,93,335	—	—
Sugar-candy - - -	—	4,574	54,996	9,006	1,22,061	4,432	67,065	—	—
Saltpetre - - -	—	3,35,854	13,14,830	3,86,233	15,90,883	50,379	2,76,053	—	—
Seeds, of sorts - - -	—	21,169	57,650	28,164	84,511	6,995	26,861	—	—
Oil Seeds - - -	—	2,65,237	5,96,208	5,19,614	10,42,107	2,54,377	4,45,899	—	—
Gunnies and Gunny Bags	<i>pieces</i>	50,31,133	3,26,736	50,16,114	3,18,211	- -	- -	15,019	8,525
Shell Lac - - -	<i>maunds</i>	10,717	2,01,344	13,571	2,11,670	2,854	10,326	—	—
Stick Lac - - -	—	3,377	23,696	1,840	15,666	- -	- -	1,537	8,030
Tincal and Borax - - -	—	2,161	41,433	2,532	45,557	371	4,124	—	—
Safflower - - -	—	5,043	1,25,378	4,029	1,10,878	- -	- -	1,014	14,500
Ghee - - -	- - -	31,019	5,41,443	23,982	4,29,898	- -	- -	7,037	111,545
Oil - - -	<i>maunds</i>	11,063	80,201	18,809	1,53,546	7,746	73,345	—	—
Castor Oil - - -	—	1,733	29,799	5,062	77,276	3,329	47,477	—	—
Wood Oil - - -	—	1,579	7,759	1,993	13,437	414	5,678	—	—
Cocoa-nuts - - -	- - -	- -	60,399	- -	61,583	- -	1,244	—	—
Saul and Sissoo Timbers	- - -	- -	2,52,873	- -	2,85,186	- -	32,313	—	—
Planks - - -	- - -	- -	32,909	- -	27,788	- -	- -	- -	5,121
Beetle-nuts - - -	<i>maunds</i>	84,068	3,33,265	79,243	3,06,804	- -	- -	4,825	26,461
Chunam - - -	—	7,74,210	2,82,954	7,60,006	2,73,022	- -	- -	14,204	9,932
Tobacco - - -	—	1,27,866	6,39,465	1,87,170	9,35,850	59,304	2,96,385	—	—
Wax and Wax Candles	—	1,631	76,836	1,444	68,155	- -	- -	187	8,681
Elephants' Teeth - - -	—	152	14,827	203	20,278	51	5,451	—	—
Turmeric - - -	—	25,671	72,601	36,232	1,33,544	10,561	60,943	—	—
Skins and Hides - - -	—	- -	75,770	- -	81,034	- -	5,264	—	—
Long Pepper and Roots	—	14,665	78,399	9,114	60,589	- -	- -	5,551	17,810

APPENDIX TO REPORT ON THE

			1827-28.		1828-29.		INCREASE.		DECREASE.	
			Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
IMPORTS :—continued.										
Carpets and Blankets	<i>pieces</i>		51,611	52,030	63,455	66,058	11,844	14,028	—	—
Dry Ginger	- -	<i>maunds</i>	15,946	47,932	12,668	13,582	-	-	3,278	16,350
Opium	- -	<i>chests</i>	6,350	1,07,05,240	7,709	1,06,35,134	1,359	-	-	70,106
Soap	- -	<i>maunds</i>	-	-	1,010	10,572	1,010	10,572	—	—
Gums	- -	-	-	-	2,500	14,606	2,500	14,606	—	—
Munjeet	- -	-	-	-	320	1,814	320	1,814	—	—
Sundries	- -	-	-	4,56,618	-	4,03,975	-	-	-	52,643
				5,39,90,234	-	5,33,29,946	-	63,34,949	-	69,95,237
			Deduct Increase - - -							63,34,949
			Net Decrease - - S. Rs.							6,60,288

			1827-28.		1828-29.		INCREASE.		DECREASE.	
			Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
EXPORTS :										
Cotton Piece Goods	<i>pieces</i>		34,873	60,304	49,551	1,20,337	14,677	60,033	—	—
Silk - - ditto	-		1,212	2,968	1,036	5,970	-	3,002	176	—
Wax and Wax Candles,	<i>maunds</i>		170	9,052	194	10,949	24	1,897	—	—
Country Sundries	- -		-	1,27,308	-	1,09,267	-	-	-	18,041
Foreign Piece Goods	<i>pieces</i>		-	29,61,772	-	23,58,377	-	-	-	6,03,395
Liquors	- -		-	4,11,423	-	3,13,110	-	-	-	98,313
Copper	- -	<i>maunds</i>	37,301	25,94,508	41,771	15,11,022	4,470	-	-	10,83,486
Brass-ware	- -	-	—	—	—	—	—	—	—	—
Tutenague	- -	-	46	882	-	-	-	-	46	882
Lead	- -	-	18,449	2,29,381	21,912	2,00,952	3,463	-	-	28,429
Tin	- -	-	8,256	2,17,564	15,391	3,88,447	7,135	1,70,883	—	—
Iron	- -	-	71,793	3,27,060	90,908	3,91,406	19,115	64,346	—	—
Steel	- -	-	774	5,998	643	5,303	-	-	131	695
Quicksilver	- -	-	-	27,285	-	54,590	-	27,305	—	—
Cloves	- -	-	3,636	2,16,764	2,785	1,26,456	-	-	851	90,308
Nutmegs	- -	-	159	15,526	483	46,444	324	30,918	—	—
Mace	- -	-	151	17,024	89	9,347	-	-	62	7,677
Cardamums	- -	-	133	13,034	99	9,280	-	-	34	3,754
Chanks	- -	-	-	1,82,877	-	95,329	-	-	-	87,548
Spelter	- -	<i>maunds</i>	1,18,051	13,50,405	92,043	6,96,252	-	-	26,008	6,54,153
Broad Cloth	- -	<i>pieces</i>	5,430	2,95,810	7,699	3,38,480	2,179	42,670	—	—
Pepper	- -	<i>maunds</i>	27,375	2,75,180	25,185	2,47,289	-	-	2,190	27,891
Alum	- -	-	-	-	5,644	22,868	5,644	22,868	—	—
Red Lead	- -	-	-	35,670	-	60,999	-	-	-	74,671
Cotton Yarn	- -	-	1,009	1,15,070	1,818	1,29,062	809	13,992	—	—
Cotton Twist	- -	-	5,279	4,66,483	7,833	5,09,200	2,554	42,717	—	—
Mule Twist	- -	-	4,137	3,25,504	5,668	4,17,236	1,531	91,732	—	—
Europe Sundries	- -	-	-	62,55,501	-	59,04,845	-	-	-	3,50,656
				1,66,40,353	-	1,40,82,817	-	5,72,363	-	31,29,899
			Deduct Increase - - -							5,72,363
			Net Decrease - - S. Rs.							25,57,536

406. The articles imported from and exported to the divisions of our Internal Commerce, are represented in the following Tables, always bearing in mind that Treasure, Rice, Lac Dye, with other Goods not subject to duty, and therefore allowed free transit, are not included in the Statement.

IMPORTS and EXPORTS, by Land, of the Honourable Company's Dominions.

		1827-28.		1828-29.		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
IMPORTS :									
Cotton Piece Goods -	<i>pieces</i>	16,39,417	34,59,259	14,56,306	27,25,493	-	-	1,83,111	7,33,766
Silk - ditto -	—	4,54,828	26,26,131	4,56,685	23,40,172	1,857	-	-	2,85,959
Embroidered ditto -	—	1,679	23,644	848	13,728	-	-	831	9,916
Indigo -	<i>maunds</i>	1,51,699	1,51,69,900	98,009	98,00,900	-	-	53,690	53,69,000
Sugar -	—	2,70,032	21,37,972	5,32,232	43,15,256	2,62,200	21,77,284	—	—
Silk -	—	17,268	77,97,010	24,573	1,01,22,810	7,305	23,43,800	—	—
Grain, of sorts -	—	7,62,800	10,21,687	7,88,711	8,75,310	25,911	-	-	1,46,377
Cotton -	—	3,01,947	34,41,063	2,86,227	34,64,312	-	23,249	15,720	—
Cotton Thread -	—	786	15,224	355	5,498	-	-	431	9,726
Jagree -	—	1,59,225	3,18,347	3,06,062	6,11,682	1,46,837	2,93,335	—	—
Sugar-candy -	—	4,574	54,996	9,006	1,22,061	4,432	67,065	—	—
Saltpetre -	—	3,35,497	13,13,165	3,75,897	15,58,140	40,400	2,44,975	—	—
Seeds, of sorts -	—	21,052	57,072	28,034	83,879	6,982	26,807	—	—
Oil Seeds -	—	2,65,237	5,96,208	5,19,318	10,41,515	2,54,081	4,45,307	—	—
Gunnies and Gunny Bags, <i>pieces</i>		50,31,133	3,26,736	50,16,114	3,18,211	-	-	15,019	8,525
Shell Lac -	<i>maunds</i>	10,307	1,93,177	12,862	2,04,766	2,555	11,589	—	—
Stick Lac -	—	2,181	16,515	1,687	14,748	-	-	494	1,767
Tincal and Borax -	—	2,161	41,433	2,525	45,413	364	3,980	—	—
Safflower -	—	5,043	1,25,378	4,029	1,10,878	-	-	1,014	14,500
Ghee -	—	31,019	5,41,443	33,982	4,29,898	-	-	7,037	1,11,545
Oil -	—	11,063	80,201	18,809	1,53,546	7,746	73,345	—	—
Castor Oil -	—	1,733	29,799	5,062	77,276	3,329	47,477	—	—
Wood Oil -	—	1,579	7,759	1,993	13,437	414	5,678	—	—
Cocoa-nuts -	-	-	60,339	-	61,583	-	244	—	—
Saul Timber -	-	-	2,52,873	-	2,85,186	-	32,313	—	—
Planks -	-	-	32,909	-	27,788	-	-	-	5,121
Beetle-nuts -	<i>maunds</i>	84,068	3,33,265	79,243	3,06,453	-	-	4,825	26,812
Chunam -	—	7,74,210	2,82,954	7,60,006	2,73,022	-	-	14,204	9,932
Tobacco -	—	1,27,866	6,39,465	1,87,170	9,35,850	59,304	2,96,385	—	—
Wax and Wax Candles -	-	1,541	71,133	1,343	63,070	-	-	198	8,063
Elephants' Teeth -	-	136	13,236	105	10,467	-	-	31	2,769
Turmeric -	-	25,671	72,601	36,232	1,33,544	10,561	60,943	—	—
Skins and Hides -	-	-	75,695	-	81,034	-	5,339	—	—
Long Pepper and Roots -	-	14,665	78,399	9,114	60,589	-	-	5,551	17,810
Carpets and Blankets -	<i>pieces</i>	51,593	52,012	63,423	66,021	11,830	14,009	—	—
Dry Ginger -	<i>maunds</i>	15,824	47,565	12,666	31,582	-	-	3,158	15,983
Opium -	<i>chests</i>	6,350	1,07,05,240	7,709	1,06,35,134	1,359	-	—	70,106
Soap -	<i>maunds</i>	-	-	1,010	10,572	1,010	10,572	—	—
Gums -	—	-	-	2,461	14,446	2,461	14,446	—	—
Munjeet -	—	-	-	219	1,095	219	1,095	—	—
Sundries -	-	-	4,39,789	-	3,94,544	-	-	-	45,245
		5,25,33,594	-	5,18,40,909	-	62,00,237	-	68,92,922	-

Deduct Increase - - - 62,00,237

Net Decrease - - - 6,92,685

		1827-28.		1828-29.		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
EXPORTS :									
Cotton Piece Goods -	<i>pieces</i>	34,509	53,231	46,935	1,08,363	12,426	55,132	—	—
Silk - - ditto -	—	1,212	2,968	1,036	5,970	-	3,002	176	—
Wax and Wax Candles,	<i>maunds</i>	170	9,052	193	10,879	23	1,827	—	—
Country Sundries -	-	-	1,25,296	-	1,08,188	-	-	-	17,108
Foreign Piece Goods	-	-	27,09,434	-	22,40,230	-	-	-	469,204
Liquor - - -	-	-	4,05,301	-	3,10,904	-	-	-	94,397
Copper - - -	<i>maunds</i>	37,301	25,70,582	41,624	15,05,081	4,323	-	-	10,65,501
Tutenague - -	—	46	882	-	-	-	-	46	882
Lead - - -	—	18,449	2,29,381	21,712	1,98,886	3,463	-	-	30,495
Tin - - -	—	8,256	2,17,564	15,391	3,88,447	7,135	1,70,883	—	—
Iron - - -	—	71,773	3,26,960	90,783	3,90,990	19,010	64,030	—	—
Steel - - -	—	774	5,998	643	5,303	-	-	131	695
Quicksilver -	—	-	27,285	-	54,590	-	27,305	—	—

APPENDIX TO REPORT ON THE

				1827-28.		1828-29.		INCREASE.		DECREASE.	
				Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
EXPORTS—continued.											
Cloves	-	-	maunds	3,623	2,16,224	2,758	1,25,060	-	-	865	91,164
Nutmegs	-	-	—	159	15,526	483	64,444	324	30,918	—	—
Mace	-	-	—	151	17,024	89	9,347	-	-	62	7,677
Cardamums	-	-	—	133	13,034	99	9,280	-	-	34	3,754
Chanks	-	-	-	-	1,82,877	-	95,329	-	-	-	87,548
Spelter	-	-	maunds	1,17,966	13,49,170	91,593	6,93,112	-	-	26,373	6,56,058
Broad Cloth	-	-	pieces	5,430	2,95,255	7,547	3,33,529	2,117	38,274	—	—
Pepper	-	-	maunds	27,312	2,74,725	25,060	2,45,929	-	-	2,252	28,796
Alum	-	-	—	-	-	5,644	22,868	5,644	22,868	—	—
Red Lead	-	-	—	-	1,35,670	-	60,999	-	-	-	74,671
Cotton Yarn	-	-	—	1,009	1,15,070	1,818	1,29,062	809	13,992	—	—
Cotton Twist	-	-	—	5,279	4,66,483	7,833	5,09,200	2,554	42,717	—	—
Mule Twist	-	-	—	4,137	3,25,504	5,657	4,16,426	1,520	90,922	—	—
Europe Sundries	-	-	-	-	59,12,770	-	56,32,556	-	-	-	2,80,214
				1,60,03,266	-	1,36,56,972	-	5,61,870	-	29,08,164	
Deduct Increase - - -											5,61,870
Net Decrease - - S. Rs.											23,46,294

NABOB VIZIER'S DOMINIONS.

				1827-28.		1828-29.		INCREASE.		DECREASE.	
IMPORTS:				Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods	pieces	2,28,828	9,52,332	2,36,406	9,65,502	7,578	13,170	—	—		
Embroidered ditto	-	-	-	5	20	5	20	—	—		
Saltpetre	maunds	299	1,316	8,594	26,480	8,295	25,164	—	—		
Seeds, of sorts	—	47	278	-	-	-	-	47	278		
Shell Lac	—	19	347	69	2,676	50	2,329	—	—		
Skins and Hides	-	-	75	-	-	-	-	-	75		
Carpets and Blankets	pieces	18	18	30	27	12	9	—	—		
Sundries	-	-	5,993	-	2,287	-	-	-	-		3,706
				9,60,359	-	9,96,992	-	40,692	-	4,059	
								Deduct Decrease	-	-	4,059
								Net Increase	-	S. Rs.	36,633

		1827-28.		1828-29.		INCREASE.		DECREASE.	
		Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
EXPORTS :									
Cotton Piece Goods	<i>pieces</i>	341	6,927	2,616	11,974	2,275	5,047	—	—
Wax and Wax Candles,	<i>maunds</i>	-	-	1	70	1	70	—	—
Country Sundries	-	-	1,672	-	893	-	-	-	779
Foreign Piece Goods	-	-	2,40,954	-	1,17,852	-	-	-	1,23,102
Liquor	-	-	3,630	-	2,206	-	-	-	1,424
Copper	<i>maunds</i>	680	23,926	147	5,941	-	-	533	17,985
Lead	-	-	-	200	2,066	200	2,066	—	—
Iron	-	-	-	125	416	125	416	—	—
Spelter	-	95	1,235	450	3,140	355	1,905	—	—
Cloves	-	13	540	27	1,396	14	856	—	—
Broad Cloth	<i>pieces</i>	7	555	61	4,891	54	4,336	—	—
Pepper	<i>maunds</i>	60	416	125	1,360	65	944	—	—
Mule Twist	-	-	-	11	810	11	810	—	—
Europe Sundries	-	-	3,26,037	-	2,60,913	-	-	-	65,124
			6,05,892	-	4,13,928	-	16,450	-	2,08,414
Deduct Increase									16,450
Net Decrease									1,91,964

MAHARATTA PROVINCES.

	1827-28.		1828-29.		INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
IMPORTS :								
Cotton Piece Goods <i>pieces</i>	4,073	3,140	6,086	6,355	2,013	3,215	—	—
Cotton - - <i>maunds</i>	19,094	2,99,977	13,829	1,69,501	-	-	5,265	1,30,476
Saltpetre - -	-	-	334	1,335	334	1,335	—	—
Seeds, of sorts -	70	300	129	632	59	332	—	—
Shell Lac -	-	-	28	555	28	555	—	—
Tincal and Borax -	-	-	7	144	7	144	—	—
Bettle-nuts -	-	-	6	351	6	351	—	—
Wax & Wax Candles -	72	3,701	9	479	-	-	63	3,222
Carpets & Blankets <i>pieces</i>	-	-	2	10	2	10	—	—
Gum - - <i>maunds</i>	-	-	39	160	39	160	—	—
Sundries - -	-	3,428	-	569	-	-	-	2,859
		3,10,546	-	1,80,091	-	6,102	-	1,36,557
Deduct Increase - - -								6,102
Net Decrease - - S. Rs.								1,30,455

CASHMERE.

	1827-28.		1828-29.		INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
IMPORTS :								
Shawls - - -	3,944	1,55,817	2,283	2,78,332	-	1,22,515	1,711	—

NAPPAUL AND BOOTAIN.

	1827-28.		1828-29.		INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
IMPORTS :								
Shell Lac - <i>maunds</i>	391	7,820	-	-	-	-	391	7,820
Wax & Wax Candles -	28	2,002	39	2,347	11	345	—	—
Sundries - -	-	7,012	-	6,164	-	-	-	848
		16,834	-	8,511	-	345	-	8,668
Deduct Increase - - -								345
Net Decrease - - S. Rs.								8,323

	1827-28.		1828-29.		INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
EXPORTS :								
Foreign Piece Goods -	-	1,200	-	-	-	-	-	1,200
Europe Sundries -	-	-	-	10,678	-	10,678	—	—
Country ditto -	-	13,825	-	-	-	-	-	13,825
		15,025	-	10,678	-	10,678	-	15,025
Deduct Increase - - -								10,678
Net Decrease - - S. Rs.								4,347

ASSAM.

IMPORTS :	1827-28.		1828-29.		INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - <i>pieces</i>	-	-	5	12	5	12	-	-
Silk - ditto -	-	-	29	21	29	21	-	-
Silk - - - <i>maunds</i>	16	320	9	1,767	-	-	7	1,433
Saltpetre - - -	58	349	1,408	4,928	1,350	4,579	-	-
Oil Seeds - - -	-	-	296	592	296	592	-	-
Shell Lac - - -	-	-	612	3,673	612	3,673	-	-
Stick Lac - - -	1,196	7,181	153	918	-	-	1,043	6,263
Elephants' Teeth - -	15	1,537	98	9,811	83	8,274	-	-
Wax and Wax Candles -	-	-	53	2,259	53	2,259	-	-
Munjeet - - -	-	-	101	719	101	719	-	-
Sundries - - -	-	817	-	411	-	-	-	406
		13,084		25,111		20,129		8,102
Deduct Decrease - - -						8,102		
Net Increase - - S. Rs.						12,027		

EXPORTS :	1827-28.		1828-29.		INCREASE.		DECREASE.	
	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.	Quantity.	Value.
Cotton Piece Goods - <i>pieces</i>	23	146	-	-	-	-	23	146
Country Sundries - -	-	340	-	186	-	-	-	154
Foreign Piece Goods -	-	10,184	-	295	-	-	-	9,889
Liquor - - -	-	2,492	-	-	-	-	-	2,492
Iron - - -	-	100	-	-	-	-	-	100
Broad Cloth - - - <i>pieces</i>	-	-	1	60	1	60	-	-
Foreign Sundries - -	-	2,908	-	698	-	-	-	2,210
		16,170		1,239		60		14,991
Deduct Increase - - -						-	60	
Net Decrease - - S. Rs.						-	14,931	

Duties and
Customs.

407. The amount of Duties, or Custom-house Revenue, received at the Presidency in the year under review, in the Internal Trade, amounted to sicca rupees 4,32,750, being sicca rupees 26,260 less than the collections of the previous year. The Duties on the External Trade, as already shown, have been sicca rupees 15,02,789, giving the aggregate of collections at the Presidency, in the sum of sicca rupees 19,35,539, on sicca rupees 27,651, increased upon the gross receipts of the year 1827-28.

408. The collections have been subjected to reduction in the present year by drawbacks, refunds, and office or establishment charges, in the sum of sicca rupees 6,14,023, which taken from the amount of receipts, leaves the net Presidency Custom-house Revenue at sicca rupees 13,21,516, compared with the results of the previous year, is a deficiency of sicca rupees 38,999, which is accounted for in the following Illustration ; viz.

Comparison of the Collections on the External Trade, Increase	-	53,911
Ditto - - - ditto - - on Internal Trade, Decrease	-	26,260
Increase of Collections - - - S. Rs.		27,651
Comparison of Drawback, Increase	-	79,801
Ditto - of Office Charges, Decrease	-	11,561
Ditto - of Refunds of Duty	-	1,500
		13,151
Comparison of Payments, Increase	-	66,650
Deduct Increase Collections	-	27,651
Comparative Decrease of Collections - - S. Rs.		38,999

particularized in the following Statement .

INTERNAL COMMERCE.	Value of Trade.	Government Duty.	Town Duty.	Fees on Town Duty Bond.	Moffee and Exchange Duty.	Fees on Moffee and Exchange Rowanahs received from Individuals.	Confiscated Goods belonging to Government.	Miscellaneous, including Interest.	Retrenchment on account of Leave of Absence.	TOTAL.
Imports - -	5,33,29,946	176,690	1,82,461	4,129	- -	- -	35	2,186	396	3,65,897
Exports - -	1,40,82,817	11,842	- -	- -	40,508	14,503	- -	- -	- -	66,853
	6,74,12,763	1,88,532	1,82,461	4,129	40,508	14,503	35	2,186	396	4,32,750

Add Revenue yielded by External Commerce:

EXTERNAL COMMERCE.	Value of Trade.	Government Duty.	Town Duty.	Bond Rowanah Transit Duty realized at Calcutta, including expired Bond.	2-5th Share of the Net Proceeds of the Sale of Confiscated Goods belonging to Government.	Miscellaneous, including Interest.	TOTAL.
Imports - -	3,70,95,106	13,26,512	15,293	- - -	9	24,121	13,65,935
Exports - -	5,20,45,152	74,234	- - -	62,620	- - -	- - -	1,36,854
	8,91,40,258	14,00,746	15,293	62,620	9	24,121	15,02,789

GRAND TOTAL - - - S. Rs. 19,35,539

Deduct Charges :							
Fixed Allowance of Office Establishment, and Contingent, &c.	- - -	- - -	- - -	- - -	- - -	2,85,706	
Drawback	- - -	- - -	- - -	- - -	- - -	3,23,635	
Duty refunded on External Commerce	- - -	- - -	- - -	- - -	3,366		
Ditto - - - on Internal ditto	- - -	- - -	- - -	- - -	1,316		
						4,682	6,14,023

Net Revenue - - - S. Rs. 13,21,516

409. The net amount of Revenue derived from Customs' Collections, throughout the places comprehended in the Report of the External and Internal Commerce of Bengal, for the year under consideration, is sicca rupees 49,65,818, as exhibited in the following Statement ; viz.

External Commerce :—						
Amount of Duties on Imports and Exports -	14,00,746					
Town Duties - - - - -	15,293					
Bond Rowanahs, &c. - - - - -	62,620					
Confiscations - - - - -	9					
Miscellaneous - - - - -	24,121					
		15,02,789				
Internal Commerce :—						
Collections on Calcutta Imports and Exports -	1,88,532					
Ditto Town Duty - - - - -	1,82,461					
Ditto on Fees on Bonds, &c. - - - - -	4,129					
Ditto Moffee and Exchange Rowanahs -	40,508					
Ditto Fees on Moffee and Exchange Rowanahs received from Individuals - - - - -	14,503					
Ditto Confiscations - - - - -	35					
Ditto Miscellaneous - - - - -	2,186					
Ditto Retrenchment, for Leave of Absence -	396					
Collections in the Interior - - - - -	42,78,710					
		47,11,460				
From which deduct,						
Drawbacks paid at Calcutta - - - - -	3,23,635					62,14,249
Duties refunded - - - - -	4,682					
		3,28,317				
Charges attending the Collections in Calcutta Custom-house - - - - -	2,85,706					
And in the Internal fixed Allowances ; Office Establishments ; including Contingencies -	6,34,408					
		9,20,114				
						12,48,431
Net Revenue from Customs in 1828-29 - - S. Rs.						49,65,818

III.
External
and Internal
Commerce.

(1.)
B E N G A L.

410. The revenue derived from the several Custom-houses, and the fluctuations to which each has been subject, are exemplified in the following Statement :

COMPARATIVE STATEMENT of Gross Collections of Government Customs and Town Duties, &c. for 1827-28 and 1828-29.

						1827-28.	1828-29.	Increase.	Decrease.
LOWER PROVINCES.									
Duties and Customs.	Calcutta	-	-	-	-	19,07,888	19,35,539	27,651	—
	Dacca	-	-	-	-	3,23,476	2,96,204	-	27,272
	Chittagong	-	-	-	-	26,635	23,575	-	3,060
	Hooghly	-	-	-	-	2,17,397	2,11,154	-	6,243
	Moorshedabad	-	-	-	-	4,55,441	4,60,152	4,711	—
	Cuttack	-	-	-	-	14,645	13,781	-	864
	Patna	-	-	-	-	2,69,373	2,39,732	-	29,641
						32,14,855	31,80,137	32,362	67,080
UPPER PROVINCES.									
* As reported to the Resident of Delhi, who includes them with the Delhi Collections.	Mizapore	-	-	-	-	3,13,673	3,05,079	-	8,594
	Benares	-	-	-	-	1,85,040	1,70,622	-	14,418
	Ghazeepore	-	-	-	-	1,84,987	1,83,923	-	1,064
	Allahabad	-	-	-	-	1,54,768	1,62,123	7,355	—
	Cawnpore	-	-	-	-	2,10,623	2,56,074	45,451	—
	Agra	-	-	-	-	14,12,701	14,22,291	9,590	—
	Bareilly	-	-	-	-	1,54,597	1,68,281	13,684	—
	Furruckabad	-	-	-	-	1,26,192	1,41,864	15,672	—
	Meerut	-	-	-	-	2,36,421	1,77,237*	-	59,148
	Banda	-	-	-	-	6,928	5,426	-	1,492
	Goruckpore	-	-	-	-	8,862	9,066	204	—
	Etawah	-	-	-	-	2,775	3,359	584	—
	Mooradabad	-	-	-	-	8,215	7,321	-	894
	Allyghur	-	-	-	-	10,813	11,736	923	—
	Culpee	-	-	-	-	17,267	9,664	-	7,603
						30,33,862	30,34,112	93,463	93,213
GRAND TOTAL - - S. Rs.						62,48,717	62,14,249	1,25,825	1,60,293
						Deduct Increase - - -			1,25,825
						Net Decrease in 1828-29 - - S. Rs.			34,468

411. The comparative result of the Revenue derived from Customs is a decrease of sicca rupees 46,857, in the year 1828-29, as below ; viz.

						1827-28.	1828-29.
Receipts on External Commerce - - -						14,48,878	15,02,789
Ditto - on Internal ditto - - -						45,27,650	44,67,242
Town Duties and other Receipts - - -						2,72,189	2,44,218
						62,48,717	62,14,249
Deduct Drawbacks and Charges - -						12,36,042	12,48,431
						50,12,675	49,65,818
Deduct - - -						49,65,818	
Decrease in 1828-29 - - S. Rs.						46,857	

412. The following Statement presents a comparison of the aggregate of the External and Internal Trade of Bengal, between the years 1827-28 and 1828-29, the result of which is a decrease of sicca rupees 17,27,339, namely,

1827-28.	IMPORTS.			EXPORTS.			GRAND TOTAL.
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.	
EXTERNAL :							
Honourable Company's } Trade - - - }	3,48,312	15,76,898	19,25,210	25,32,676	34,58,720	2,39,91,396	2,59,16,606
Private Individuals -	2,76,49,255	1,26,24,711	4,02,73,966	3,89,94,428	10,22,267	4,00,16,695	8,02,90,661
	2,79,97,567	1,42,01,609	4,21,99,176	5,95,27,104	44,80,987	6,40,08,091	10,62,07,267
INTERNAL :							
Honourable Company's } Trade - - - }	2,18,58,600	- - -	2,18,58,600	- - -	- - -	- - -	2,18,58,600
Private Individuals -	3,21,31,634	- - -	3,21,31,634	1,66,40,353	- - -	1,66,40,353	4,87,71,987
	5,39,90,234	- - -	5,39,90,234	1,66,40,353	- - -	1,66,40,353	7,06,30,587
1828-29.							17,68,37,854
EXTERNAL :							
Honourable Company's } Trade - - - }	1,51,916	17,33,984	18,85,900	1,63,71,594	3,00,000	1,66,71,594	1,85,57,494
Private Individuals -	3,01,92,732	69,02,374	3,70,95,106	5,02,81,959	17,63,193	5,20,45,152	8,01,40,258
	3,03,44,648	86,36,358	3,89,81,006	6,66,53,553	20,63,193	6,87,16,746	10,76,97,752
INTERNAL :							
Honourable Company's } Trade - - - }	2,31,81,313	- - -	2,31,81,313	- - -	- - -	- - -	2,31,81,313
Private Individuals -	3,01,48,633	- - -	3,01,48,633	1,40,82,817	- - -	1,40,82,817	4,42,31,450
	5,33,29,946	- - -	5,33,29,946	1,40,82,817	- - -	1,40,82,817	6,74,12,763
							17,51,10,515
							Decrease in Commerce of 1828-29 - - - 17,27,339

RECAPITULATION.

	Increase.	Decrease.
External Trade:—The comparative difference between the Imports of the two years under consideration, is a decrease in the year 1828-29, of - - - - -	- - -	32,18,170
The comparative difference between the Exports of the two years under consideration, is a decrease in the year 1828-29, of - - - - -	47,08,655	—
Internal Trade on Imports, ditto - - - - -	- - -	6,60,288
Ditto - - on Exports, ditto - - - - -	- - -	25,57,536
	47,08,655	64,35,994
Deduct - - -	- - -	47,08,655
Deficiency on the Value of Commerce - - S. Rs.		17,27,339
Collection of Custom-house Duties, decrease in the year 1828-29, } - as shown in paragraph 423 - - - - - }		S. Rs. 46,857.

Calcutta, Board of Customs,
Salt and Opium,
31st December 1829.

(signed) G. Chester.
H. Sargent.

(2.)

REPORT ON THE EXTERNAL AND INTERNAL COMMERCE
OF MADRAS,
For the Year 1827-28.

III.

External
and Internal
Commerce.

(2.)

MADRAS.

To the President and Members of the Board of Revenue.

GENTLEMEN,

1. I HAVE the honour to forward herewith the Statements of the Trade of the Madras Territories, for the official Year 1827-28; made out in the forms directed to be observed by your Secretary's Letter, of the 7th of October 1824, with the exceptions noticed in Mr. Hadow's Letter, of the 9th of November 1824.

2. The nature of the trade of the Madras Territories has been so frequently reported on, that I shall on the present occasion confine myself to such remarks as the several statements may appear to require.

3. The total value of the trade of the Madras Territories by Sea, with places not subordinate to this Presidency, is exhibited in the following Statement :

					Private Trade.	Company's Trade.	TOTAL.
IMPORTS :					M. Rs.	M. Rs.	M. Rs.
Merchandize	-	-	-	-	93,91,228	4,18,117	98,09,345
Treasure	-	-	-	-	36,28,467	-	36,28,467
Total	-	-	-	-	1,30,19,695	4,18,117	1,34,37,812
EXPORTS :							
Merchandize	-	-	-	-	1,40,64,835	22,62,868	1,63,27,703
Treasure	-	-	-	-	10,12,726	44,66,376	54,79,102
Total	-	-	-	-	1,50,77,561	67,29,244	2,18,06,805
GRAND TOTAL	-	-	-	-	2,80,97,256	71,47,361	3,52,44,617

4. On comparing this with a similar Statement, prepared for the Year 1826-27, there appears a considerable increase under every head, but the Imports and Exports of Company's Treasure. The Net Increase amounts to rupees 12,23,181, as exhibited in the following Comparative Statement for the two last years :

	PRIVATE TRADE.			COMPANY'S TRADE.			GRAND TOTAL.	Increase.	Decrease.
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.			
1826-27 :	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.
Imports -	81,68,997	32,74,410	1,14,43,407	6,76,973	11,20,666	17,97,639	1,32,41,046		
Exports -	1,35,01,308	8,97,913	1,43,99,221	13,76,168	50,05,001	63,81,169	2,07,80,390		
	2,16,70,305	41,72,323	2,58,42,628	20,53,141	61,25,667	81,78,808	3,40,21,436		
1827-28 :									
Imports -	93,91,228	36,28,467	1,30,19,695	4,18,117	-	4,18,117	1,34,37,812		
Exports -	1,40,64,835	10,12,726	1,50,77,561	22,62,868	44,66,376	67,29,244	2,18,06,805		
	2,34,56,063	46,41,193	2,80,97,256	26,80,985	44,66,376	71,47,361	3,52,44,617		
Increase -	17,85,758	4,68,870	22,54,628	6,27,844	-	-	-	28,82,472	
Decrease -	-	-	-	-	16,59,291	10,31,447	-	-	16,59,291
Deduct Decrease - - -								16,59,291	
Net Increase - - -								12,23,181	

5. But

5. But although it is satisfactory to observe this improvement, yet it is to be lamented that the total value of the trade continues below the average, both in the Imports and Exports, of the four preceding years, to the amount of rupees 52,63,271 $\frac{1}{2}$, as appears by the following:

III.
External
and Internal
Commerce.
(2.)
M A D R A S.

	IMPORTS.	EXPORTS.	TOTAL.
	M. Rs.	M. Rs.	M. Rs.
1823-24 - - - -	1,91,63,941	2,42,36,730	4,34,00,671
1824-25 - - - -	1,49,45,740	2,55,40,016	4,04,85,756
1825-26 - - - -	1,37,64,833	3,03,58,858	4,41,23,691
1826-27 - - - -	1,32,41,046	2,07,80,390	3,40,21,436
	6,11,15,560	10,09,15,994	16,20,31,554
Average - - - -	1,52,78,890	2,52,28,998 $\frac{1}{2}$	4,05,07,888 $\frac{1}{2}$
1827-28 - - - -	1,34,37,812	2,18,06,805	3,52,44,617
Increase - - - -	—	—	—
Decrease - - - -	18,41,078	34,22,193 $\frac{1}{2}$	52,63,271 $\frac{1}{2}$

6. According to the practice for some time adopted, of excluding from comparisons of this kind the amount of the Honourable Company's Treasure, the total value of the Company's and Private Merchandize, and of the Private Treasure, will be found to fall short of the average of the four preceding years only to the net amount of rupees 3,21,028 $\frac{3}{4}$.

	IMPORTS.	EXPORTS.	TOTAL.
	M. Rs.	M. Rs.	M. Rs.
1823-24 - - - -	1,49,72,335	1,68,58,087	3,18,30,422
1824-25 - - - -	1,49,45,740	1,80,63,402	3,30,09,142
1825-26 - - - -	1,37,36,727	1,79,25,019	3,16,61,746
1826-27 - - - -	1,21,20,380	1,57,75,389	2,78,95,769
	5,57,75,182	6,86,21,897	12,43,97,079
Average - - - -	1,39,43,795 $\frac{1}{2}$	1,71,55,474 $\frac{1}{2}$	3,10,99,269 $\frac{3}{4}$
1827-28 - - - -	1,34,37,812	1,73,40,429	3,07,78,241
Increase - - - -	- - -	1,84,954 $\frac{3}{4}$	—
Decrease - - - -	5,05,983 $\frac{1}{2}$	- - -	3,21,028 $\frac{3}{4}$

7. The comparison of the trade of the last two years, exclusive of the Company's Treasure, shows a net increase of rupees 28,82,472, as follows:

1826-27:			
Value of the Imports of the Company's and Private Merchandize, and of Private Treasure, as shown in the last Report - - - -	-	-	1,21,20,380
Value of the Exports of - - - ditto - - - ditto - - -	-	-	1,57,75,389
		Rupees	2,78,95,769
1827-28:			
Imports of Private Merchandize and Treasure - - -	-	1,30,19,695	
— of Company's Merchandize - - -	-	4,18,117	
			1,34,37,812
Exports of Private Merchandize and Treasure - - -	-	1,50,77,561	
— of Company's Merchandize - - -	-	22,62,868	
			1,73,40,429
		Rupees	3,07,78,241

III.

External
and Internal
Commerce.

(2.)

MADRAS.

IMPORTS.

8. The following Statement exhibits the Increase or Decrease in those articles which have varied to the extent of 10,000 rupees, the remainder appearing under the head of Sundries :

Imports.	IMPORTS :	INCREASE.	DECREASE.
		M. Rs.	M. Rs.
Beetle-nut, Nut Raw, &c. - - - - -		1,09,800	—
Carriages and Coach Furniture, &c. - - - - -		35,926	—
Camels - - - - -		—	14,700
Coral Beads - - - - -		—	1,06,396
Coir and Coir Rope - - - - -		—	12,213
China, Earthen and Queen's-ware - - - - -		20,082	—
Canvas - - - - -		28,779	—
Confectionery - - - - -		18,843	—
Cloves - - - - -		40,442	—
Cotton - - - - -		63,706	—
Cocoa-nuts and Dry Cocoa-nuts - - - - -		33,316	—
Dates and other Dried Fruits - - - - -		13,699	—
Glass-ware - - - - -		22,787	—
Grain - - - - -		—	8,86,018
Hats - - - - -		10,392	—
Horses - - - - -		—	2,18,470
Hosiery - - - - -		20,050	—
Liquors and Wines - - - - -		3,66,089	—
Ditto and Spirits - - - - -		1,48,945	—
Marble Stones, &c. - - - - -		—	17,025
Metals, Wrought and Unwrought - - - - -		4,11,817	—
Medicines and Drugs - - - - -		17,554	—
Millinery - - - - -		28,693	—
Military Stores - - - - -		26,787	—
Naval Stores, of sorts - - - - -		31,432	—
Oilman Stores - - - - -		19,926	—
Opium - - - - -		—	12,600
Paper, China and Gilt, &c. - - - - -		16,711	—
Precious Stones (Pearls and Diamonds, &c.) - - - - -		—	34,117
Pepper - - - - -		—	20,619
Perfumery - - - - -		—	37,860
Pictures - - - - -		—	29,023
Paints (Arthal, &c.) - - - - -		10,804	—
Piece Goods, Cotton - - - - -		1,32,818	—
Ditto ditto, British - - - - -		73,163	—
Ditto Silk - - - - -		1,20,014	—
Saddlery - - - - -		16,676	—
Salt - - - - -		39,154	—
Sandal Wood - - - - -		—	14,282
Silk, Raw - - - - -		—	10,767
Stick Lac - - - - -		22,283	—
Spices - - - - -		28,785	—
Stationery - - - - -		52,140	—
Sugar - - - - -		—	31,820
Tea - - - - -		22,624	—
Terrajaponica - - - - -		10,031	—
Timber and Planks - - - - -		2,05,491	—
Wearing Apparel - - - - -		21,517	—
Woollens - - - - -		89,569	—
Sundries - - - - -		78,440	—
Treasure - - - - -		24,09,285	14,45,910
		—	7,66,609
		24,09,285	22,12,519
Deduct Decrease - - - - -		22,12,519	—
Net Increase - - - - -		1,96,766	—
Increase in Merchandize - - - - -		9,63,375	—
Decrease in Treasure - - - - -		7,66,609	—
		M. Rs. 1,96,766	—

9. The article in which the principal increase has taken place are Beetle-nuts, Carriages, Cloves, Cotton, Cocoa-nuts, Liquors and Wines, Metals, Naval Stores, Piece Goods (Cotton and Silk,) Salt, Stationery, Timber and Planks, and Woollens.

10. Beetle-nuts are imported from Ceylon and the Malacca Straits, and have been for several years brought into the Tanjore District in smaller quantity than usual, but have in the last year increased to the value of rupees 83,229. There is also an increase in Tinnevely, Madura, South Arcot and Madras.

11. The increase in the importation of Metals, amounting to rupees 4,11,817, seems to be accounted for by the falling off in this article during the last three years, both in the Imports from the United Kingdom, and also of the Japan Copper, and of Tin from Java and the Straits of Malacca. The latter have increased in the past year nearly to the extent of rupees 1,50,000.

12. The demand for Liquors and Wines having been greater than usual, in consequence of a decrease in the Importations of the two years preceding, an increase nearly equal to it has now taken place, as was anticipated in the last Report. Spirits have also increased; in Arrack alone, from Ceylon, to the amount of rupees 1,02,872; this article has for several years fallen short of the demand for it by the Commissariat, and it is always disposed of on its reaching Madras; so that the fluctuation which has taken place in the Imports for several years can only be attributed to causes affecting its produce in the Island.

13. In consequence of the War, the quantity of Timber imported from Pegue had decreased very greatly since 1824, but in the last year has again been imported to the extent usual before that period.

14. The principal articles in which a decrease appears, are Grain, Horses, Coral Beads, Pearls and Diamonds, and Sugar; and of these, Grain, the importation of which, from Bengal, in the year preceding, had fallen off to the extent of rupees 12,63,278, has further diminished to the extent of rupees 6,02,254 from the same place.

15. A further decrease in the importation of Horses into these territories, on account of the Honourable Company, has taken place to the amount of rupees 2,70,900; but there is an increase on private account, to the extent of rupees 52,430.

16. A large quantity of Coral Beads of an inferior quality is imported from England annually; and in the last year, the quantity, though less than the year preceding, by the amount of rupees 1,06,396, is rather above the average of the four last years.

EXPORTS.

17. The next Statement, containing such articles of Export as have varied to the extent of rupees 10,000, will be found to exhibit a Net Increase of rupees 10,26,415, or, the Honourable Company's Treasure being excluded, of rupees 15,65,040.

III. External and Internal Commerce.

(2.)

M A D R A S.

Imports.

Exports.

EXPORTS :							INCREASE.	DECREASE.
							M. Rs.	M. Rs.
Beetle-nuts, raw, &c.	-	-	-	-	-	-	22,307	—
Coral Beads	-	-	-	-	-	-	11,739	—
Chanks	-	-	-	-	-	-	—	29,489
Canvas	-	-	-	-	-	-	—	16,570
Chillies	-	-	-	-	-	-	—	16,001
Cardamums	-	-	-	-	-	-	48,378	—
Cloves	-	-	-	-	-	-	1,06,886	—
Coir and Coir Rope	-	-	-	-	-	-	1,00,623	—
Cotton Yarn	-	-	-	-	-	-	—	10,699
Cocoa-nuts	-	-	-	-	-	-	72,335	—
Ditto - dry	-	-	-	-	-	-	70,387	—
Dyes	-	-	-	-	-	-	—	32,371
Ghee	-	-	-	-	-	-	—	1,24,308
Grain	-	-	-	-	-	-	—	2,26,915
Horses	-	-	-	-	-	-	11,650	—
Hemp	-	-	-	-	-	-	16,849	—
Indigo	-	-	-	-	-	-	6,07,939	—
Jewellery	-	-	-	-	-	-	90,897	—

III.
External
and Internal
Commerce.

(2.)
M A D R A S.

Exports.

EXPORTS— <i>continued</i> .										INCREASE.	DECREASE.
Liquors, Wines, Spirits, &c.	-	-	-	-	-	-	-	-	-	23,235	—
Metals	-	-	-	-	-	-	-	-	-	35,66,99	—
Naval Stores, of sorts	-	-	-	-	-	-	-	-	-	—	15,093
Pepper	-	-	-	-	-	-	-	-	-	101,129	—
Piece Goods, Cotton	-	-	-	-	-	-	-	-	-	5,10,115	—
Precious Stones	-	-	-	-	-	-	-	-	-	—	19,195
Provisions, Salt, &c.	-	-	-	-	-	-	-	-	-	—	51,618
Sago	-	-	-	-	-	-	-	-	-	11,949	—
Salt	-	-	-	-	-	-	-	-	-	76,914	—
Saltpetre	-	-	-	-	-	-	-	-	-	27,074	—
Sandal-wood	-	-	-	-	-	-	-	-	-	67,549	—
Spices, (Mace, &c.)	-	-	-	-	-	-	-	-	-	12,405	—
Sugar	-	-	-	-	-	-	-	-	-	13,438	—
Sundry Europe Articles	-	-	-	-	-	-	-	-	-	36,643	—
Tea	-	-	-	-	-	-	-	-	-	—	11,240
Timber and Planks	-	-	-	-	-	-	-	-	-	—	67,947
Tobacco	-	-	-	-	-	-	-	-	-	—	49,544
Turmeric	-	-	-	-	-	-	-	-	-	12,368	—
Wax and Wax Candles	-	-	-	-	-	-	-	-	-	—	10,746
Woollens and Shawls	-	-	-	-	-	-	-	-	-	22,033	—
Sundries	-	-	-	-	-	-	-	-	-	21,422	—
										21,31,963	681,736
Treasure										—	4,23,812
										21,31,963	11,05,548
Deduct Decrease										11,05,548	—
Net Increase										10,26,415	—
Increase in Merchandize										—	14,50,227
Decrease in Treasure										—	4,23,812
										<u>M. Rs. 10,26,415</u>	

Indigo.

18. The principal articles in which an increased Exportation has taken place are Indigo and Cotton Piece Goods; the former to the extent of rupees 6,07,939, and the latter of rupees 5,10,115. The following Statement shows the progressive improvement which has taken place in the Export of Indigo for the last six years:

Indigo Exported from the Madras Territories.

A. D.	To the United Kingdom.		To Foreign Europe.		To America.	
	Cwts.	Rs.	Cwts.	Rs.	Cwts.	Rs.
1822-23	1,282	2,81,807	—	—	443	71,266
1823-24	3,231	5,19,398	—	—	—	—
1824-25	3,347	5,42,471	59	9,411	—	—
1825-26	3,358	5,36,771	405	64,958	—	—
1826-27	4,518	7,33,756	22	3,551	—	—
1827-28	7,617	13,20,650	100	16,132	148	23,732

19. The shipments on account of the Honourable Company exceed those of the year preceding, by the sum of rupees 1,76,992.

20. The increase in Cotton Piece Goods exported, is nearly equal to the decrease which appeared in the year preceding. The following is the Statement, showing the value exported from the Presidency and the principal Ports, during the last two years :

III.
External
and Internal
Commerce.
(2.)
MADRAS.

EXPORTS :	1826-27.	1827-28.	Increase.	Decrease.
	M. Rs.	M. Rs.	M. Rs.	M. Rs.
Ganjam - - - - -	949	-	-	949
Vizagapatam (a) - - - - -	7,06,682	4,36,592	-	2,70,090
Rajahmundry (b) - - - - -	7,85,478	8,97,223	1,11,745	-
Masulipatam - - - - -	1,26,601	3,44,169	2,17,568	-
Guntoor - - - - -	1,072	501	-	571
Nellore and Ongole - - - - -	12,206	81	-	12,125
Fort St. George (c) - - - - -	19,15,368	25,16,897	6,01,529	-
Southern Division of Arcot - - - - -	4,77,410	5,72,780	95,370	-
Tanjore - - - - -	3,12,463	5,63,197	2,50,734	-
Madura and Dindigul - - - - -	92,736	1,93,346	1,00,610	-
Tinnevely - - - - -	4,75,285	3,80,608	-	94,677
Malabar - - - - -	11,75,060	7,02,693	-	4,72,367
Canara - - - - -	1,14,353	97,691	-	16,662
	61,95,663	67,05,778	13,77,556	8,67,441
	Deduct Decrease - - -		8,67,441	
	Net Increase - - -		5,10,115	

Exports :
Cotton Piece Goods.

	1826-27.	1827-28.		1826-27.	1827-28.
(a) Private - - -	4,75,682	1,14,032	(c) Private - - -	17,53,781	22,78,191
Company's - - -	2,31,000	3,22,560	Company's - - -	1,61,587	2,38,706
	7,06,682	4,36,592		19,15,368	25,16,897
(b) Private - - -	4,05,938	2,89,914	Increase on Private Account -		1,13,667
Company's - - -	3,79,540	6,07,309	Ditto on Company's ditto -		3,96,448
	7,85,478	8,97,223	M. Rs.		5,10,115

21. By the following Statement, showing the Ports to which these goods were conveyed, and the amount exported to each, it will be seen that there is a deficit in the Exports to Bombay, to the extent of rupees 3,56,346. This took place chiefly in the district of Malabar, and is attributed by the Sub-collector, in his Report, to a glut in the market at Bombay.

EXPORTS :	1826-27.	1827-28.	Increase.	Decrease.
	M. Rs.	M. Rs.	M. Rs.	M. Rs.
United Kingdom (a) - - - - -	16,49,110	15,68,546	-	80,564
Mediterranean Sea - - - - -	1,58,554	-	-	1,58,554
France - - - - -	60	10,058	9,998	-
America - - - - -	4,250	1,06,998	1,02,748	-
Ditto, South - - - - -	-	1,16,821	1,16,821	-
Ditto, West Coast - - - - -	-	17,080	17,080	-

(continued)

	1826-27.	1827-28.
	M. Rs.	M. Rs.
(a) Private - - -	9,03,880	3,99,971
Company's - - -	7,45,230	11,68,575
	16,49,110	15,68,546

III. External and Internal Commerce.		1826-27.	1827-28.	Increase.	Decrease.
Exports—continued.		M. Rs.	M. Rs.	M. Rs.	M. Rs.
(2.)	Bengal - - - - -	3,01,005	1,30,106	- -	1,70,899
M A D R A S.	Bombay - - - - -	11,82,596	8,26,250	- -	3,56,346
	Cape of Good Hope - - - - -	36,916	19,742	- -	17,174
	Ceylon - - - - -	4,90,203	7,26,603	2,36,400	-
	China - - - - -	933	3,463	2,530	-
Exports.	French Ports (Indian) - - - - -	20,862	17,927	- -	2,935
	Goa - - - - -	52,062	5,303	- -	46,759
	Gulph of Persia - - - - -	56,428	2,99,063	2,42,635	-
	Ditto Arabia - - - - -	3,41,935	1,37,078	- -	2,04,857
	Java - - - - -	-	66,049	66,049	-
	Malacca Straits (b) - - - - -	15,44,669	20,65,735	5,21,066	-
	Manilla - - - - -	70,918	1,69,356	98,438	-
	Mauritius and Bourbon - - - - -	46,252	13,452	- -	32,800
	Maldiv Islands - - - - -	2,586	1,207	- -	1,379
	Pegue - - - - -	39,732	1,55,543	1,15,811	-
	Travancore - - - - -	3,962	4,637	675	-
	West Coast of Sumatra - - - - -	1,92,630	2,44,761	52,131	-
		61,95,663	67,05,778	15,82,382	10,72,267
	Deduct Decrease - - - - -			10,72,267	
	Net Increase - - - - -			5,10,115	

	1826-27.	1827-28.
	M. Rs.	M. Rs.
(b) Private - - - - -	15,17,772	20,65,735
Company's - - - - -	26,897	-
	15,44,669	20,65,735

22. Having thus noticed a few of the principal articles in the Foreign Commerce of these territories, I have the honour to lay before you the Statement of Total Imports and Exports by sea; showing the several places with which it has been carried on, and the Per-centage which the trade of each place bears in proportion to the whole.

	IMPORTS.	Per-centage.	EXPORTS.	Per-centage.
	M. Rs.		M. Rs.	
United Kingdom - - - - -	25,87,402	19 $\frac{4}{16}$	(a) 71,58,736	32 $\frac{13}{16}$
Mediterranean Sea - - - - -	904	-	-	-
France - - - - -	3,57,461	2 $\frac{11}{16}$	1,94,410	- $\frac{14}{16}$
Madeira and Teneriffe - - - - -	63,700	- $\frac{7}{16}$	-	-
America - - - - -	1,06,394	- $\frac{13}{16}$	1,36,424	- $\frac{10}{16}$
Ditto, South - - - - -	-	-	1,16,821	- $\frac{9}{16}$
Ditto, West Coast - - - - -	-	-	17,080	- $\frac{1}{16}$
Arabia - - - - -	(b) 6,31,531	4 $\frac{11}{16}$	(c) 12,41,543	5 $\frac{11}{16}$
Bengal - - - - -	(d) 15,06,970	11 $\frac{3}{16}$	(e) 11,36,043	5 $\frac{3}{16}$

(a) Company's - 44,16,134	(b) Company's - 86	(c) Company's - 2,254
Private - 27,42,602	Private - 6,31,445	Private - 12,39,289
M. Rs. 71,58,736	M. Rs. 6,31,531	M. Rs. 12,41,543

(d) Company's - 2,578
Private - 15,04,392
M. Rs. 15,06,970

(e) Company's - 1,16,214
Private - 10,19,829
M. Rs. 11,36,043

III.
 External
 and Internal
 Commerce.
 (2.)
 MADRAS.

	IMPORTS.	Per-centage.	EXPORTS.	Per-centage.
	<i>M. Rs.</i>		<i>M. Rs.</i>	
Bombay - - - - -	(f) 27,26,155	20 $\frac{5}{16}$	(g) 56,98,406	26 $\frac{2}{16}$
Cape of Good Hope - - - - -	7,869	— $\frac{1}{16}$	22,264	— $\frac{2}{16}$
Ceylon - - - - -	7,89,412	5 $\frac{14}{16}$	13,60,917	6 $\frac{4}{16}$
China - - - - -	5,04,544	3 $\frac{12}{16}$	(h) 7,22,141	3 $\frac{5}{16}$
French Ports (Indian) - - - - -	4,16,989	3 $\frac{2}{16}$	(i) 1,09,006	— $\frac{9}{16}$
Goa - - - - -	1,14,329	— $\frac{14}{16}$	2,20,255	1
Gulph of Persia - - - - -	17,960	— $\frac{3}{16}$	(j) 4,26,155	1 $\frac{15}{16}$
Java - - - - -	1,73,715	1 $\frac{5}{16}$	66,049	— $\frac{5}{16}$
Malacca Straits - - - - -	18,79,262	14	22,31,246	10 $\frac{4}{16}$
Manilla - - - - -	1,72,650	1 $\frac{4}{16}$	1,71,134	— $\frac{13}{16}$
Mauritius and Bourbon - - - - -	56,489	— $\frac{7}{16}$	44,484	— $\frac{3}{16}$
Maldiv Islands - - - - -	(k) 1,37,677	1	(l) 32,787	— $\frac{2}{16}$
Pegue - - - - -	4,94,609	3 $\frac{11}{16}$	3,24,328	1 $\frac{8}{16}$
Tranquebar - - - - -	1,46,012	1 $\frac{1}{16}$	3,348	—
Travancore - - - - -	1,83,505	1 $\frac{9}{16}$	65,602	— $\frac{5}{16}$
West Coast of Sumatra - - - - -	3,62,273	2 $\frac{11}{16}$	3,07,626	1 $\frac{7}{16}$
	1,34,37,812	100	2,18,06,805	100

(f) Company's - - - - -	3,03,954	(i) Company's - - - - -	7,266
Private - - - - -	24,22,201	Private - - - - -	1,01,740
<i>M. Rs.</i>	27,26,155	<i>M. Rs.</i>	1,09,006
(g) Company's - - - - -	15,22,295	(j) Company's - - - - -	180
Private - - - - -	41,76,111	Private - - - - -	4,25,975
<i>M. Rs.</i>	56,98,406	<i>M. Rs.</i>	4,26,155
(h) Company's - - - - -	6,58,400	(k) Company's - - - - -	1,11,499
Private - - - - -	63,741	Private - - - - -	26,178
<i>M. Rs.</i>	7,22,141	<i>M. Rs.</i>	1,37,677
(l) Company's - - - - -	6,501		
Private - - - - -	26,286		
<i>M. Rs.</i>	32,782		

23. The Vessels and Tonnage employed at each Port, in External Commerce, have been as follows :

	ARRIVALS.		DEPARTURES.	
	Vessels.	Tons.	Vessels.	Tons.
Ganjam - - - - -	49	5,635	18	1,616
Vizagapatam - - - - -	55	6,229	98	11,641
Rajahmundry - - - - -	247	30,069	288	34,797
Masulipatam - - - - -	38	5,903	23	4,492
Guntoor - - - - -	5	550	2	200
Nellore and Ongole - - - - -	5	720	7	1,200
Fort St. George - - - - -	466	72,759	333	66,614
Southern Division of Arcot - - - - -	16	2,021	22	2,406
Tanjore - - - - -	644	23,661	731	26,496
Madura and Dindigul - - - - -	100	3,522	135	2,880
Tinnevely - - - - -	121	3,679	90	2,531
Malabar - - - - -	1,405	68,194	1,567	78,506
Canara - - - - -	1,542	51,376	1,638	56,837
TOTAL - - - - -	4,693	274,318	4,952	290,216

	PRIVATE TRADE.			COMPANY'S TRADE.			GRAND TOTAL.	Increase.	Decrease.
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.			
1826-27:	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.
Imports - - -	61,55,859	51,245	62,07,104	4,17,808	- -	4,17,808	66,24,912		
Exports - - -	56,44,956	2,73,760	59,18,716	4,77,794	- -	4,77,794	63,96,510		
	1,18,00,815	3,25,005	1,21,25,820	8,95,602	- -	8,95,602	1,30,21,422		
1827-28:									
Imports - - -	44,31,151	1,17,316	45,48,467	5,90,060	8,00,000	13,90,060	59,38,527		
Exports - - -	42,44,690	3,91,820	46,36,510	6,18,975	8,26,000	14,44,975	60,81,485		
	86,75,841	5,09,136	91,84,977	12,09,035	16,26,000	28,35,035	1,20,20,012		
Increase - - -	- -	1,84,131	- -	3,13,433	16,26,000	19,39,433	- -	21,23,564	-
Decrease - - -	31,24,974	- -	29,40,843	- -	- -	- -	- -	- -	31,24,974
								Deduct Increase - - -	21,23,564
								Net Decrease - - -	10,01,410

27. The increase in Company's Merchandize has been chiefly in the Importation at Madras of Cotton from Tinnevely.

28. The Decrease in Private Merchandize, is in the Exports of Grain from Ganjam, Vizagapatam, Rajahmundry, and Tanjore, chiefly to Madras; and in Piece Goods from Vizagapatam, Rajahmundry, Tanjore, chiefly to Madras; and from Tinnevely chiefly to Malabar.

29. The Total Value of the Imports and Exports of Private Merchandize and Treasure, and of Company's Merchandize, in the Internal or Coasting Trade between subordinate Ports, amounts to rupees 1,03,94,012, exclusive of the Company's Treasure; but as this is double the Real Value, from appearing in the Statements of each Port, a more correct amount will be obtained by taking one half.

30. The Value of the Honourable Company's Treasure, which appears to have passed from one Port to another, within these Territories, during the past year, amounts to the sum of rupees 16,26,000, exceeding the value of the year preceding by the whole amount.

31. The Total Value of the Private Merchandize and Treasure, and of the Honourable Company's Merchandize, carried on by Sea, will appear then as follows:

External Commerce:								
Merchandize	-	-	-	-	-	-	2,61,37,048	3,07,78,241
Private Treasure	-	-	-	-	-	-	46,41,193	
Internal Commerce:								
Merchandize	-	-	-	-	-	-	98,84,876	1,03,94,012
Private Treasure	-	-	-	-	-	-	5,09,136	
TOTAL - - Rs.								4,11,72,253

exceeding the value of the last year's Commerce, computed in the same manner, by the sum of rupees 2,55,062.

EXTERNAL COMMERCE BY LAND.

32. The Land Frontier Trade of the Territories under this Presidency has experienced little or no variation in its amount during the year; though from the entry in the Statements of a large Importation of Treasure into the District of Guntoor from the Nizam's Territory, on account of the Honourable Company, it would appear to have increased considerably.

External Commerce by Land.

33. The

III.

External
and Internal
Commerce.

(2).

M A D R A S.

External Com-
merce by Land.

33. The following is an Abstract Statement of the Value of the Imports and Exports, distinguishing the Company's from Private Trade.

					Private Trade.	Company's Trade.	TOTAL.
IMPORTS:							
Merchandise	-	-	-	-	70,20,516	- - -	70,20,516
Treasure	-	-	-	-	2,24,456	2,30,66,200	2,32,90,656
TOTAL - - -					72,44,972	2,30,66,200	3,03,11,172
EXPORTS:							
Merchandise	-	-	-	-	50,72,775	2,59,700	53,32,475
Treasure	-	-	-	-	2,11,940	- - -	2,11,940
TOTAL - - -					52,84,715	2,59,700	55,44,415
GRAND TOTAL - - -					1,25,29,687	2,33,25,900	3,58,55,587

COMPARATIVE STATEMENT of the same for the last Two Years.

	PRIVATE TRADE.			COMPANY'S TRADE.			GRAND TOTAL.	Increase.	Decrease.
	Merchandise.	Treasure.	TOTAL.	Merchandise.	Treasure.	TOTAL.			
1826-27:	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.
Imports - -	69,55,443	3,34,305	72,80,748	- - -	- - -	- - -	72,89,748		
Exports - -	49,38,310	2,41,361	51,79,671	2,64,350	- - -	2,64,350	54,44,021		
	1,18,93,753	5,75,666	1,24,69,419	2,64,350	- - -	2,64,350	1,27,33,769		
1827-28:									
Imports - -	70,20,516	2,24,456	72,44,972	- - -	2,30,66,200	2,30,66,200	3,03,11,172		
Exports - -	50,72,775	2,11,940	52,84,715	2,59,700	- - -	2,59,700	55,44,415		
	1,20,93,291	4,36,396	1,25,29,687	2,59,700	2,30,66,200	2,33,25,900	3,58,55,587		
Increase -	1,99,538	- - -	60,268	- - -	2,30,66,200	2,30,61,550	- - -	2,32,65,738	-
Decrease -	- - -	1,39,270	- - -	4,650	- - -	- - -	- - -	- - -	1,43,920
Deduct Decrease - - -								1,43,920	
Net Increase - - -								2,31,21,818	

34. The comparison of the last, with the average of the four preceding years, excluding the Company's Treasure, exhibits a satisfactory result.

					IMPORTS.	EXPORTS.	TOTAL.
					M. Rs.	M. Rs.	M. Rs.
1823-24	-	-	-	-	68,81,877	49,54,963	1,18,36,840
1824-25 (exclusive of errors)	-	-	-	-	63,40,526	45,99,350	1,09,39,876
1825-26	-	-	-	-	66,45,863	59,21,651	1,25,67,514
1826-27	-	-	-	-	72,89,748	54,44,021	1,27,33,769
					2,71,58,014	209,19,985	4,80,77,999
Average	-	-	-	-	67,89,503 $\frac{1}{2}$	52,29,996 $\frac{1}{2}$	1,20,19,499 $\frac{3}{4}$
1827-28	-	-	-	-	72,44,972	55,44,415	1,27,89,387
Increase	-	-	-	-	4,55,468 $\frac{1}{2}$	3,14,418 $\frac{3}{4}$	7,69,887 $\frac{1}{2}$
Decrease	-	-	-	-	-	-	-

35. The articles in the Imports, of which a variation to the extent of rupees 10,000 has taken place, are entered in the following Statement :

IMPORTS:										INCREASE.	DECREASE.
Betel-nuts	-	-	-	-	-	-	-	-	-	-	1,04,428
Betel Leaves	-	-	-	-	-	-	-	-	-	-	10,703
Coral Beads	-	-	-	-	-	-	-	-	-	12,207	—
Cattle	-	-	-	-	-	-	-	-	-	-	49,070
Cotton	-	-	-	-	-	-	-	-	-	-	1,81,365
Ditto Thread	-	-	-	-	-	-	-	-	-	44,661	—
Cocoa-nuts, Dry, &c.	-	-	-	-	-	-	-	-	-	-	33,190
Dyes	-	-	-	-	-	-	-	-	-	99,424	—
Drugs and Medicines	-	-	-	-	-	-	-	-	-	-	15,755
Gold and Silver Lace, and Thread	-	-	-	-	-	-	-	-	-	-	18,015
Hing, or Assafœtida	-	-	-	-	-	-	-	-	-	-	21,614
Jaggary, of kinds	-	-	-	-	-	-	-	-	-	-	10,520
Opium	-	-	-	-	-	-	-	-	-	1,35,706	—
Oils, of sorts	-	-	-	-	-	-	-	-	-	-	35,416
Pepper	-	-	-	-	-	-	-	-	-	-	15,604
Piece Goods, Cotton	-	-	-	-	-	-	-	-	-	73,263	—
Ditto - Silk	-	-	-	-	-	-	-	-	-	30,733	—
Spiruous Liquors, &c.	-	-	-	-	-	-	-	-	-	20,781	—
Sugar, &c.	-	-	-	-	-	-	-	-	-	-	24,626
Tamarind	-	-	-	-	-	-	-	-	-	30,646	—
Timber	-	-	-	-	-	-	-	-	-	56,814	—
Tobacco	-	-	-	-	-	-	-	-	-	21,298	—
Wax, Bees'	-	-	-	-	-	-	-	-	-	10,112	—
Sundries	-	-	-	-	-	-	-	-	-	49,734	—
										5,85,379	5,20,306
Treasure										2,29,56,351	—
										2,35,41,730	5,20,306
Deduct Decrease										5,20,306	—
Net Increase										2,30,21,424	—
Increase in Merchandize										65,073	—
Ditto in Treasure										2,29,56,351	—
M. Rs.										2,30,21,424	—

36. A very considerable increase has taken place in the quantity of Dyes, Opium and Cotton Piece Goods imported, the first from Kurnool, Mysore, and the Nizam's Territory, and the others from the two last-mentioned countries.

37. Dying materials are imported chiefly from the Nizam's Territory, and the comparison of the two last years shows the Increase in the following districts to be,

	Rupees.
In Bellary	46,494
Masulipatam	7,712
Guntoor	19,297
Tanjore and South Arcot, from Foreign European Settlements	19,935

Dyes:		
Total Imported.	Rs.	
1826-27	-	1,70,487
1827-28	-	2,69,911

38. The next article of importance is Opium, of which the Increase amounts to rupees 1,37,706. This is from the Nizam's Territory, imported into Masulipatam, in which district the Increase is rupees 109,665, while there is Decrease from the same country into Cuddapah, of rupees 1,945. From Mysore the Increase in Cuddapah is rupees 25,045; in Malabar, rupees 3,320. No traces of this article being regularly exported from the Madras Territory appearing, there can be no doubt that a great part of it is smuggled out by sea: the Collector of Masulipatam, however, states that the principal part of what is imported into that district is sent to Rajahmundry, where it is consumed in great quantities.

Opium:		
Total Imported.	Rs.	
1826-27	-	1,81,661
1827-28	-	3,17,371

Cotton Piece Goods :		
Total Imported.	Rs.	
1826-27	- -	6,15,056
1827-28	- -	6,88,319

39. Cotton Piece Goods are imported chiefly from Mysore to the following districts, in which there has been an increase in the last year :

		Rs.
In Salem	- - - - -	30,508
Canara	- - - - -	15,645
North Arcot	- - - - -	5,534
Cuddapah	- - - - -	5,740
Bellary	- - - - -	1,974

Betel-nuts :		
Total Imports.	Rs.	
1826-27	- -	23,12,181
1827-28	- -	22,07,753

40. The principal articles in which a decrease appears, are Betel-nuts and Cotton. Of the first, which is imported chiefly from Mysore, there is a decrease in Bellary of rupees 1,54,037; North Arcot 1,09,073, to be attributed to the great increase in the quantity imported into these districts in the year preceding. There has been an increase in Cuddapah to the extent of rupees 1,22,783, which the principal Collector accounts for by its having been a favourable year for the produce of the Nuts in Mysore, and by the merchants proceeding to Wallajahpettah through his district, which they are now enabled to do; without suffering from the influence of the conflicting interests of renters, in consequence of the Sayer of the Southern Talooks being rented together with the frontier Chowkies of North Arcot and Salem.

Cotton :		
Total Imports.	Rs.	
1826-27	- -	5,98,679
1827-28	- -	4,17,314

41. In the import of Cotton from the Nizam's to Bellary, there has been a decrease to the extent of rupees 2,61,997, and also from the Mahratta States to Canara, of rupees 66,775, which are partly balanced by an increase from the Mahratta States into Bellary, to the extent of rupees 1,56,814. No opinion can be formed as to the cause of the decrease in Bellary from the average quantity, as this article has been omitted till the last two years in the statements, and no report has been received from the principal Collector.

42. The following Statement contains the principal articles of Export, in which a variation of 10,000 rupees and upwards, has taken place :

EXPORTS :										INCREASE.	DECREASE.
Betel-nuts	-	-	-	-	-	-	-	-	-	161,953	—
Cattle	-	-	-	-	-	-	-	-	-	160,655	—
Cardamums	-	-	-	-	-	-	-	-	-	48,369	—
Cheese, Medicines, and Coals	-	-	-	-	-	-	-	-	-	21,700	—
Cotton	-	-	-	-	-	-	-	-	-	—	1,61,640
Indigo	-	-	-	-	-	-	-	-	-	—	12,001
Metals	-	-	-	-	-	-	-	-	-	14,599	—
Oils, of sorts	-	-	-	-	-	-	-	-	-	11,675	—
Pepper	-	-	-	-	-	-	-	-	-	—	22,565
Piece Goods, Cotton	-	-	-	-	-	-	-	-	-	—	1,07,906
Salt	-	-	-	-	-	-	-	-	-	—	58,926
Tobacco	-	-	-	-	-	-	-	-	-	59,180	—
Wax and Wax Candles	-	-	-	-	-	-	-	-	-	12,584	—
Sundries	-	-	-	-	-	-	-	-	-	2,128	—
Treasure										4,92,853	3,63,038
										—	29,421
										4,92,853	3,92,459
Deduct Decrease										3,92,459	—
Net Increase										1,00,394	—

Increase in Merchandize	-	-	-	-	-	1,29,815
Decrease in Treasure	-	-	-	-	-	29,421

M. Rs. 1,00,394

43. Of these Betel-nuts, which have been imported in decreased quantity, have been exported to an increased extent of rupees 1,61,953; they are almost entirely exported from Canara to the Mahratta States. In the preceding year the quantity imported was unusually great, and the Exports had greatly declined.

Betel-nuts:		
Total Exported.		Rs.
1826-27	- -	3,33,935
1827-28	- -	4,95,888

44. Cattle have been exported from Canara to Mysore, on private account, to the increased extent of rupees 1,61,625, and the total increase amounts to rupees 1,60,665: a decrease took place in the year preceding, to the amount of rupees 1,14,735.

Cattle:		
Total Exported.		Rs.
1826-27	- -	1,08,596
1827-28	- -	2,69,261

45. The exportation of Cotton Piece Goods has fallen to the extent of rupees 1,07,906, to the Foreign European Settlements; from Tanjore there appears a decrease of rupees 65,901; and the principal Collector states, that "a greater exportation of White Cloth from our own ports to the Eastern Islands has occasioned this decrease, as much of this description formerly found its way thither through Carrical." There is also a decrease from Tinnevely to Travancore, to the amount of rupees 71,729.

Cotton Piece Goods:		
Total Exported.		Rs.
1826-27	- -	9,47,990
1827-28	- -	8,40,084

46. The net decrease in the exportation of Cotton Wool amounts to rupees 1,61,640; it is chiefly exported to Mysore from Bellary, and into Travancore from Tinnevely. The Exports of the preceding year were unusually great, which may probably be the reason of this decrease.

Cotton:		
Total Exported.		Rs.
1826-27	- -	7,45,646
1827-28	- -	5,84,006

47. Among the accompanying Statements will be found one of the trade of the Presidency, by land, which exhibits a satisfactory result, both in the Imports and Exports, the former having increased to the net amount of rupees 11,86,076, and the latter of rupees 6,59,857.

	1826-27.	1827-28.	INCREASE.
	M. Rs.	M. Rs.	M. Rs.
Imports of Merchandize, on Private Account	70,60,146	81,67,230	11,07,084
Ditto - - ditto - - on Company's ditto	- - -	78,992	78,992
Exports of Merchandize, on Private Account	19,78,291	26,38,148	6,59,857
TOTAL - - -	90,38,437	108,84,370	18,45,933

48. The total value of the trade of the territories under this Presidency, as appears by the accompanying Statements for the year 1827-28, has been

	Rupees.
External Commerce, by Sea - - - -	3,52,44,617
Ditto - - - - by Land - - - -	3,58,55,587
Internal Commerce, by Sea - - - -	1,20,20,012
	8,31,20,216

exceeding the value of the preceding year, by the sum of rupees 2,33,43,589, the Honourable Company's Treasure being included.

1826-27:	PRIVATE TRADE.			COMPANY'S TRADE.			GRAND TOTAL.
	Merchandize.	Treasure.	TOTAL.	Merchandize.	Treasure.	TOTAL.	
	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.	M. Rs.
Imports and Exports of External Commerce, by Sea - -	2,16,70,305	41,72,323	2,58,42,628	20,53,141	61,25,667	81,78,808	3,40,21,436
Ditto - - Internal Commerce, by Sea - - - -	1,18,00,815	3,25,005	1,21,25,820	8,95,602	- -	8,95,602	1,30,21,422
Ditto - - External Commerce, by Land - - - -	1,18,93,753	5,75,666	1,24,69,419	2,64,350	- -	2,64,350	1,27,33,769
	4,53,64,873	50,72,994	5,04,37,867	32,13,093	61,25,667	93,38,760	5,97,76,627

49. The value of private Merchandize, forming part of the above, amounts to the sum of rupees 4,42,25,195, being less than that of the preceding year, by the sum of rupees 11,39,678.

50. The gross amount of the Collections of Land and Sea Customs, with the Charges of Collection, and Net Amount for each district, is exhibited in the following Statements :

III.
External
and Internal
Commerce.

(2.)
M A D R A S.

CHARGES OF COLLECTION.				Net Amount of Duties received within the Year.
Duties refunded.	Drawbacks allowed.	Expenses of Collection.	TOTAL.	
M. Rs. a. p.	M. Rs. a. p.	M. Rs. a. p.	M. Rs. a. p.	M. Rs. a. p.
- - -	- - -	5,100 12 -	5,100 12 -	3,394 13 11
- - -	10,691 3 -	2,625 3 10	13,316 6 10	7,698 - 8
- - -	- - -	3,890 13 10	3,890 13 10	4,789 5 9
26 4 -	1,706 14 2	2,913 - -	4,646 2 2	21,530 9 5
- - -	- - -	641 7 4	641 7 4	4,036 2 9
- - -	- - -	3,711 12 -	3,711 12 -	10,865 3 6
828 8 -	- - -	81,897 14 3	82,726 6 3	3,44,188 1 1
- - -	28,682 5 3	4,270 11 7	32,953 - 10	25,084 11 9
- - -	1,363 11 3	7,113 8 10	8,477 4 1	68,967 3 11
- - -	- - -	2,181 6 11	2,181 6 11	8,631 4 6
- - -	- - -	2,948 10 3	2,948 10 3	27,617 - 11
- - -	37,435 12 8	26,662 14 4	64,098 11 -	1,93,884 8 10
- - -	- - -	23,866 13 4	23,866 13 4	1,37,584 14 7
854 12 -	79,879 14 4	1,67,825 - 6	2,48,559 10 10	8,58,272 1 7

APPENDIX TO REPORT ON THE

L A N D.	Gross Amount of Duties collected in Cash.			CHARGES OF COLLECTION.												Net Amount of Duties received within the Year.			
				Duties refunded.			Drawback allowed.			Expenses of Collection.			T O T A L.						
	M. Rs.	a.	p.	M. Rs.	a.	p.	M. Rs.	a.	p.	M. Rs.	a.	p.	M. Rs.	a.	p.	M. Rs.	a.	p.	
Ganjam - - -	37,012	1	1	-	-	-	-	-	-	612	-	-	612	-	-	36,400	1	1	
Vizagapatam - - -	1,761	6	4	-	-	-	-	-	-	-	-	-	-	-	-	1,761	6	4	
Rajahmundry - - -	1,25,845	4	6	-	-	-	4,526	8	1	3,762	3	1	8,288	11	2	1,17,556	9	4	
Masulipatam - - -	1,54,086	1	11	-	-	-	-	-	-	12,991	8	-	12,991	8	-	1,41,094	9	11	
Guntoor - - -	2,860	10	4	-	-	-	-	-	-	3,518	8	5	3,518	8	5	(a)			
Bellary - - -	3,71,497	7	11	-	-	-	-	-	-	10,402	11	5	10,402	11	5	3,61,094	12	6	
Cuddapah - - -	1,33,554	-	-	-	-	-	-	-	-	5,973	-	-	5,973	-	-	1,27,781	-	-	
N. D. of Arcot - - -	1,93,573	8	6	-	-	-	-	-	-	30,488	-	-	30,488	-	-	1,63,085	8	6	
Southern Ditto - - -	2,34,562	4	10	-	-	-	-	-	-	34,389	2	-	34,389	2	-	2,00,173	2	10	
Tanjore - - -	3,74,628	15	6	-	-	-	-	-	-	5,252	3	3	5,252	3	3	3,69,376	12	3	
Salem - - -	2,12,673	9	11	-	-	-	-	-	-	25,024	13	10	25,024	13	10	1,87,648	12	1	
Madura and Dindigul - - -	3,74,169	9	7	-	-	-	-	-	-	7,177	8	3	7,177	8	3	3,66,992	1	4	
Tinnevelly - - -	31,440	9	10	-	-	-	-	-	-	3,260	2	1	3,260	2	1	28,180	7	9	
Coimbatore - - -	2,01,730	12	3	-	-	-	-	-	-	3,303	-	-	3,303	-	-	1,98,427	12	3	
Malabar - - -	90,501	3	11	742	4	7	-	-	-	2,915	15	10	3,658	4	5	86,842	15	6	
Canara - - -	2,86,465	9	8	20,146	11	2	-	-	-	36,561	14	11	56,708	10	1	2,29,756	15	7	
FRONTIER DISTRICTS, } TOTAL - - -	28,26,563	4	1	20,888	15	9	4,526	8	1	1,85,632	11	1	2,11,048	2	11	26,16,172	15	3	
							(a) Deduct Excess in Charges than the Collections, in the District of Guntoor - - - - -										657	14	1
													Net Revenue - - -			26,15,515	1	2	
Chingleput - - -	60,000	-	-	-	-	-	-	-	-	12,951	2	6	12,951	2	6	47,048	13	6	
Nellore and Ongole - - -	76,321	8	3	119	4	5	-	-	-	1,619	11	5	1,738	15	10	74,582	8	5	
Trichinopoly - - -	1,98,197	14	4	-	-	-	-	-	-	1,356	-	-	1,356	-	-	1,96,841	14	4	
INTERIOR DISTRICTS, } TOTAL - - -	3,34,519	6	7	119	4	5	-	-	-	15,926	13	11	16,046	2	4	3,18,473	4	3	
MADRAS - - -	5,96,681	15	8	-	-	-	2,55,915	9	3	22,992	-	7	2,78,907	9	10	3,17,774	5	10	
GRAND TOTAL, NET REVENUE - - - M. Rs.																41,10,034	12	10	

51. The gross amount of Duties collected, it will be observed, exceeds that of the preceding year, by the sum of rupees 2,52,295; and the Charges of Collection and Drawback having also increased, to the extent of rupees 1,33,981, the Net Revenue, amounting to rupees 41,10,034. 12. 10., is also greater than that of the year preceding, by the sum of rupees 1,18,314.

I have the honour to be, Gentlemen,

Your most obedient Servant,

Fort St. George,
Reporter External Commerce Office, }
10 March 1829.

(signed) W. Ashton,
Deputy-Collector of Sea Customs.

(3.)

REPORT ON THE EXTERNAL AND INTERNAL COMMERCE
OF BOMBAY,

For the Year 1828-29.

III.

External
and Internal
Commerce.

(3.)

BOMBAY.

Imports-General.

1. THE total amount of the trade this season of private individuals, as compared with the value of the preceding year 1827-28, shows an ultimate Increase in the Imports-General of 1828-29, of rupees 3,98,594 in the External Commerce, from places beyond the territories subject to the Government of this Presidency, as will be seen on reference to the accompanying Comparative Statement, No. 5. The same document will exhibit a decrease in Treasure and Horses, the former of rupees 1,02,805, and the latter of rupees 2,07,240, leaving an increase in Merchandize, in favour of the present season, to the amount of rupees 7,08,639. With respect to the subordinate Imports, the afore-named Statement will show an increase of rupees 6,21,048 from Punwell and the Concan; from Surat, a decrease of rupees 7,29,252; and from the Northern Ports of Guzerat, of rupees 7,55,976. The subjoined Statement will exhibit under one view the state of the Import Trade in 1828-29, contrasted with the amount of the preceding year, 1827-28:

	DECREASE.	INCREASE.
From the United Kingdom	3,84,455	—
France	—	2,60,659
Hamburg	27,095	—
Brazils	1,14,076	—
Madeira	—	21,045
Cape of Good Hope	—	30,227
Isles of France and Bourbon	2,29,478	—
China	3,87,109	—
Manilla	—	4,12,412
Penang and the Eastern Islands	—	31,757
Bengal	6,15,675	—
Coast of Coromandel	10,675	—
Ceylon	—	97,823
Malabar and Canara	—	1,15,136
Goa, Demau and Din	—	55,275
Cutch and Scind	—	1,53,843
Persian Gulf	—	13,05,524
Arabian Gulf	4,12,030	—
Coast of Africa	—	97,482
America	1,996	—
	21,82,589	25,81,183
Deduct Decrease	—	21,82,589
Net Increase	Rs.	3,98,594

2. With reference to Comparative Statement, No. 6, the value of the Exports in Merchandize has increased this season to the amount of rupees 10,75,890; Treasure shows an excess of rupees 9,86,351, and likewise Horses, of rupees 1,33,200, exhibiting an ultimate increase in the Exports-General in 1828-29, of rupees 21,95,441, in the total amount of External Commerce of individuals to places beyond the territories subject to Bombay. In regard to subordinate Exports, the same Statement will exhibit a decrease of rupees 13,75,853 to Punwell and the Concan; to Surat, rupees 4,57,548; and an increase to the Northern Ports of Guzerat of rupees 11,28,327. The following Statement exhibits the Increase and Decrease in the Exports from hence to each place during the official year 1828-29, compared with that of the preceding year, 1827-28:

Exports-General.

	Merchandize.	Treasure.	Horses.
1827-28	2,78,88,588	10,53,827	3,14,000
1828-29	2,89,64,478	20,40,178	4,47,200
Increase	10,75,890	9,86,351	1,33,200

III. External and Internal Commerce. (3.) BOMBAY. Exports-General.							DECREASE.	INCREASE.
To the United Kingdom	-	-	-	-	-	-	-	26,51,749
France	-	-	-	-	-	-	1,18,359	-
Brazils	-	-	-	-	-	-	78,568	-
St. Helena	-	-	-	-	-	-	-	450
Cape of Good Hope	-	-	-	-	-	-	2,238	-
Isles of France and Bourbon	-	-	-	-	-	-	-	7,584
China	-	-	-	-	-	-	14,44,969	-
Penang and the Eastern Islands	-	-	-	-	-	-	1,55,858	-
Bengal	-	-	-	-	-	-	1,42,674	-
Coast of Coromandel	-	-	-	-	-	-	-	9,442
Ceylon	-	-	-	-	-	-	-	81,156
Malabar and Canara	-	-	-	-	-	-	-	2,30,189
Goa, Demaun and Din	-	-	-	-	-	-	-	9,909
Cutch and Scind	-	-	-	-	-	-	2,16,583	-
Persian Gulf	-	-	-	-	-	-	-	11,46,099
Arabian Gulf	-	-	-	-	-	-	-	1,45,855
Coast of Africa	-	-	-	-	-	-	-	79,070
America	-	-	-	-	-	-	6,813	-
							21,66,062	43,61,503
							Deduct Decrease	21,66,062
							Net Increase	Rs. 21,95,441

COMPARATIVE STATEMENT of the Collections realized by

	CUSTOMS AND MARINE DUTY at 2½ per Cent, and 1 per Cent. exclusive of Draw back.				TOWN DUTY, 4 per Cent.	PASSAGE BOATS.	
	1827-28 - -		6,04,578 3 11		1,75,374 3 15	30,353 2 15	12,203 3 61
	1828-29 - -		5,73,125 - 3		1,75,602 - 82	26,486 1 5	12,492 1 76
Increase -	-	-	-	227 1 66	- - -	288 2 15	
Decrease -	-	-	31,453 3 8	- - -	3,867 1 10	- - -	
				(a)	(b)	(c)	

SURPLUS FEES.	FOREIGN IMPORT DUTY, at 4½ per Cent.	FOREIGN EXPORT DUTY, at 3½ per Cent.	CUSTOMS, at 1½ per Cent. on Goods more than Certificated.	SAYER REVENUE on Spirituos Liquors.
49,427 3 78	45,261 1 27	13,154 2 90	- - -	1,81,746 2 94
49,506 - 14	52,269 2 13	5,492 2 23	5 2 86	87,285 2 2
78 - 36	7,008 - 86	- - -	5 2 86	- - -
- - -	- - -	7,662 - 67	- - -	94,461 - 92
(i)	(j)	(k)	(l)	(m)

(a) In consequence of a less quantity of Cotton imported this year than the last.

(b) The decrease under this head is occasioned by the consumption of Sugar, Piece Goods, &c., having been much less than the last year.

(c) Owing to the several Passage Boats having been re-farmed at a higher rate this year.

(d) In consequence of the less importation of Cotton, and sundry Fees at Mahim.

(e) In consequence of a less quantity of Goods having been seized this year.

(f) In consequence of the collection of Sayer Revenue on Mowrah Arrack being transferred to the Collector of Sea Customs in the Concan, as per Order of Government, dated 3d May 1828.

(g) In consequence of a less quantity of Cotton imported this year than the last.

3. The probable circumstances by which the particular branches of the Commerce of this Presidency may have been affected, on comparing the various items of Increase or Decrease will be more clearly and satisfactorily pointed out under the several places of Import and Export.

4. In continuation of the Revenue Statement, accompanying the Report on External Commerce of former years, the following Comparative View of the Aggregate Amount of Collections by the Custom-house, during the official years 1827-28 and 1828-29, is now submitted, thus showing that the total revenue which Government received on the Commerce of this Presidency, after deducting the amount of the several Drawbacks allowed the exporter, in 1827-28 was rupees 13,02,368; and in 1828-29 amounted to the sum of rupees 11,31,760, being rupees 1,70,608 short of the revenue which the Commerce yielded in the preceding year. A reference to this document will show the particulars of this serious defalcation in the receipt of the various Collections at this Port in 1828-29.

III.
External
and Internal
Commerce.

(3.)
B O M B A Y.

the CUSTOM HOUSE, for the Years 1827-28 and 1828-29.

MAHIM FEES.	SEIZED GOODS and TOBACCO.	COUNTY FUND.	TOWN DUTY, 1 Rupee on Cotton, per Surat Candy, exclusive of Drawback.	Transfer Amount on Company's Cotton, exclusive of Drawback.
5,912 1 92 5,418 3 73	1,026 1 - 306 - 47	25,785 - 13 14,117 1 2	42,506 3 26 34,835 1 06	64,745 - 34 55,522 2 99
- - - 493 2 19 (d)	- - - 720 - 53 (e)	- - - 11,667 3 11 (f)	- - - 7,671 2 20 (g)	- - - 9,222 1 35 (h)

Tobacco Revenue, exclusive of Drawback.	TOTAL AMOUNT of CUSTOMS.	VALUE of the IMPORT TRADE.	VALUE of the EXPORT TRADE.	
50,291 - 36 39,294 2 71	13,02,368 1 93 11,31,760 1 2	3,71,63,432 3,75,62,026	2,92,56,415 3,14,51,856	- - 1827-28. - - 1828-29.
- - - 10,996 1 65 (n)	7,607 3 89 1,78,216 - 80 1,70,608 - 91	3,98,594 - - - Net Decrease.	21,95,441 - - -	Increase. Decrease.

(h) Owing to a less quantity of Cotton imported this year than the last.

(i) In the importation of Grain, and Petty Fees this season.

(j) In consequence of the importation of a greater quantity of Cochineal, Cloves and Copper this year than the last.

(k) Owing to a less quantity of Cotton and Pepper exported by foreign ships this year than the last.

(l) This year there is only one instance of a difference appearing in the Certificate.

(m) In consequence of the collection of Sayer Revenue on Mowrah Arrack being transferred to the Collector of Sea Customs in the Concan, as per Order of Government, dated 3d May 1828.

(n) Less quantity of Tobacco issued for the consumption this year than the last.

III.

External
and Internal
Commerce.

(3.)

B O M B A Y.

UNITED KINGDOM.

* 5. In former year's Report it is stated that the first adventures from Bombay to the United Kingdom, under the late Acts, took place in 1813-14, and I have now the honour to annex an Abstract View of the Commerce between the two countries during sixteen years since the opening of the trade. The Imports and Exports include the commerce of individuals, and the commanders and officers of the Company's ships, exclusive of the Honourable Company's investments.

United Kingdom.					IMPORTS.	EXPORTS.
1813-14	-	-	-	-	9,26,980	30,51,543
1814-15	-	-	-	-	13,98,653	27,75,891
1815-16	-	-	-	-	23,03,295	25,94,675
1816-17	-	-	-	-	29,84,586	20,18,463
1817-18	-	-	-	-	48,95,198	47,60,004
1818-19	-	-	-	-	70,90,236	77,36,155
1819-20	-	-	-	-	56,02,508	56,80,608
1820-21	-	-	-	-	36,16,219	14,89,728
1821-22	-	-	-	-	43,94,208	25,38,395
1822-23	-	-	-	-	56,24,719	52,46,502
1823-24	-	-	-	-	55,71,313	59,53,859
1824-25	-	-	-	-	50,24,043	58,87,881
1825-26	-	-	-	-	43,02,425	64,92,462
1826-27	-	-	-	-	49,55,872	39,38,817
1827-28	-	-	-	-	81,96,939	56,85,923
1828-29	-	-	-	-	78,12,484	83,37,672
Rs.					7,46,99,678	7,41,88,578

Value of Trade.	
1827-28	- 81,96,939
1828-29	- 78,12,484

Decrease - 3,84,455

6. This most important branch of the trade, on reference to Statement No. 5, presents this season a decrease to the amount of rupees 3,84,455, including a deficit in Treasure of rupees 8,040, with an increase in Horses of rupees 2,020, leaving in the value of the goods a deficiency of rupees 3,78,435, in the year under discussion. On

Imports.

comparing the Imports from the United Kingdom of the year 1827-28 with the official year 1828-29, although an increase will appear by it on the value of different articles, in the latter season, of rupees 15,88,785, chiefly in the extensive Imports of Wine, Beer, Brandy, Cochineal, Metals and Woollens, which it may be presumed has arisen generally from the greater demand for them, in consequence of the favourable state of the Indian markets, both for consumption and exportation; but at the same time a decrease will appear by the Statement herewith submitted to be more considerable, amounting to rupees 19,67,220, which may be ascribed in some measure to the unfavourable state of the markets, in consequence of the Imports of the preceding year having been carried to an extent beyond all precedent, (as stated in paragraph 8 of last year's Report,) which occasioned reduced prices in comparison with what formerly obtained here, the markets having more especially been overstocked with British Piece Goods. The Imports of Piece Goods in 1827-28 presented an increase beyond the preceding season in rupees 15,25,103, and Printed Cottons, rupees 3,48,045; and in the present official year, 1828-29, a diminution is observable in the former, of rupees 14,65,717, and in the latter, rupees 1,49,357, with others enumerated in the following Statement, showing the extent of the Increase and Decrease of the several articles compared with the preceding year's Imports at this Port; and the fluctuations which may be always expected to occur in so extensive a trade as that carried on with the United Kingdom.

					INCREASE.	DECREASE
Anchors	-	-	-	-	12,241	—
Beads	-	-	-	-	—	33,171
Beer	-	-	-	-	97,447	—
Brandy	-	-	-	-	67,171	—
Broad Cloth	-	-	-	-	1,96,410	—
Canvas	-	-	-	-	—	47,503
Cochineal	-	-	-	-	64,307	—
Confectionery and Sweetmeats	-	-	-	-	12,906	—
Copper	-	-	-	-	75,739	—

	INCREASE.	DECREASE.	III. External and Internal Commerce.
Coral - - - - -	10,009	—	(3.)
Cotton Yarn and Thread - - - - -	—	1,82,017	BOMBAY.
Cutlery and Hardware - - - - -	76,879	—	United Kingdom.
Eatables - - - - -	19,759	—	
Glass, Window - - - - -	—	18,965	
Jewellery - - - - -	—	14,020	
Iron - - - - -	3,60,873	—	
Masts - - - - -	10,370	—	
Medicines - - - - -	—	10,259	
Piece Goods - - - - -	—	14,65,717	
Pitch - - - - -	9,326	—	
Printed Cottons - - - - -	—	1,49,357	
Quicksilver - - - - -	13,879	—	
Red and White Lead - - - - -	10,896	—	
Spelter - - - - -	—	19,924	
Stationery and Books - - - - -	—	26,287	
Steel - - - - -	33,029	—	
Wine - - - - -	2,86,466	—	
Woollens - - - - -	1,43,594	—	
Sundries - - - - -	87,484	—	
	15,88,785	19,67,220	
Deduct Increase - - -	—	15,88,785	
Net Decrease - - Rs.	—	3,78,435	

7. It will be seen by referring to Statement No. 6, that the Exports to the United Kingdom exhibit, in the total, an increase this season, to the amount of rupees 26,51,749; but although there be an excess of rupees 8,51,891 in the consignment of Treasure, arising probably from the returns made in this way for the increased supply of goods, owing to the unfavourable rates of exchange, showing an increase in the value of Merchandize of rupees 17,99,858, in favour of our trade with the mother country, it is worthy of remark that every article of export, on a comparison of the preceding year, has increased, viz. Cotton, rupees 5,44,790; Raw Silk, rupees 4,53,066; Shawls, rupees 1,61,288; and a variety of other articles particularized in the following Sketch, arising probably from the extended demand and the high price of those articles in the Europe market, extensive consignments of which were made this season to the United Kingdom, as compared with the Exports of 1827-28.

Exports.

	1827-28	Merchandize.	Treasure.
1827-28	51,46,682	5,39,241	
1828-29	69,46,540	13,91,132	
Increase	17,99,858	8,51,891	

	DECREASE.	INCREASE.
Aloes - - - - -	—	24,702
Camphire - - - - -	—	16,894
Cardamums - - - - -	—	37,695
Cassia - - - - -	—	68,103
Cloves - - - - -	—	18,860
Coffee - - - - -	—	13,380
Coir - - - - -	—	14,388
Cornelians - - - - -	—	12,395
Cotton - - - - -	—	5,44,790
Elephants' Teeth - - - - -	—	91,024
Gums - - - - -	—	1,59,418
Hemp - - - - -	—	20,875
Indigo - - - - -	43,957	—
Mother of Pearls - - - - -	—	14,003
Nankeens - - - - -	—	71,565
Raw Silk - - - - -	—	4,53,066
Rice - - - - -	—	38,100
Shawls - - - - -	—	1,61,288

III.											
External and Internal Commerce.										DECREASE.	INCREASE.
(3.)											
BOMBAY.											
Timber - - - - -										- - -	16,762
Tortoise-shells - - - - -										- - -	23,822
Wine - - - - -										- - -	12,724
Sundries - - - - -										- - -	29,956
										43,957	18,43,815
United Kingdom :											
Exports.										Deduct Decrease - - -	43,957
										Net Increase - - - Rs.	17,99,858

FRANCE.

France : 8. From this quarter the Imports will show an increase of rupees 2,60,659, as Imports. a reference to Statement No. 5 will exhibit, consisting chiefly in the extensive import of French Wine, Brandy, with other Europe articles for consumption, which generally find a good market here. The following Statement shows the various articles composing the Increase and Decrease in this trade, contrasted with 1827-28 :

										DECREASE.	INCREASE.
Articles for wearing Apparel - - - - -										16,250	—
Brandy - - - - -										- - -	31,061
Broad Cloth - - - - -										- - -	9,909
Cloves - - - - -										18,697	—
Coral - - - - -										9,203	—
Cologne Water - - - - -										- - -	7,474
Piece Goods - - - - -										25,081	—
Spelter - - - - -										- - -	20,081
Stationery and Books - - - - -										- - -	10,416
Wine - - - - -										- - -	2,37,258
Sundries - - - - -										- - -	13,691
										69,231	3,29,890
										Deduct Decrease - - -	69,231
										Net Increase - - - Rs.	2,60,659

Exports 9. The Exports to this quarter will be found, by Statement No. 6, to have decreased rupees 1,18,359, including Treasure, rupees 12,960; of which sum, rupees 83,920 consisted of Pepper, being the consignment of the preceding year; Cotton, rupees 14,323; and Sundries, 7,156 rupees. It may not be considered unworthy of remark, that within this period twelve vessels have arrived from Bordeaux and Marseilles; the articles of trade are enumerated in the accompanying Statement; the Imports thence are more numerous and extensive, amounting to rupees 6,32,917; whereas the Exports within the same time amounted only to rupees 59,957. It is somewhat remarkable, that only three vessels cleared out from this Port thither, the remainder having proceeded from hence to Bengal, the Coromandel Coast, Malabar, and Arabian Gulph, probably in the expectation of procuring their homeward cargoes on more favourable terms.

HAMBURGH.

Hamburgh : 10. The Imports from this quarter exhibit a decrease this season, of rupees Imports & Exports. 27,095, as will be seen on reference to Statement No. 5, being the cargo of the English ship, Elizabeth, of the port of London, from Hamburgh. The Imports of the year 1827-28 were also made by the British ship Valleyfield; and there have been no Exports from hence during the present and last season. The articles of Increase and Decrease will be found contained in the following Sketch, as compared with the Imports of the preceding year :

	INCREASE.	DECREASE.
Broad Cloth - - - - -	- - - - -	22,740
Canvas - - - - -	- - - - -	4,335
Cordage - - - - -	2,202	-
Cutlery - - - - -	- - - - -	1,455
Gin - - - - -	1,665	-
Glass-ware - - - - -	- - - - -	4,128
Iron - - - - -	6,210	-
Kerseymerie - - - - -	- - - - -	6,695
Lead - - - - -	- - - - -	3,140
Printed Cottons - - - - -	- - - - -	8,679
Spelter - - - - -	4,783	-
Wine - - - - -	4,381	-
Sundries - - - - -	4,838	-
	24,077	51,172
Deduct Increase - - -	- - -	24,077
Net Decrease - - Rs.	- - -	27,095

III.
External
and Internal
Commerce.

(3.)
B O M B A Y.

Hamburgh :
Imports & Exports.

11. Government Duties on the Imports have been collected at the rate of 3 1/4 per cent. Customs; and on the article of Printed Cottons, 4 per cent. Town Duty, and subject to no advance.

BRAZILS.

12. The Imports from this quarter, on reference to Statement No. 5, show a decrease of rupees 1,14,076; and the Exports, in like manner, have diminished rupees 78,568 as per Statement No. 6, being entirely the consignments of the preceding season 1827-28; no Imports or Exports having been made within the period under review. The English ship, Admiral Benbow, is the only vessel which arrived from the Brazils in ballast this year.

Brazils :
Imports & Exports.

MADEIRA.

13. An increase in the Imports from this island will be seen of rupees 21,045, on reference to Statement No. 5, chiefly from the increased consignment of Madeira Wine this year than in the last; there have been no Exports from hence to that island.

Madeira :
Imports & Exports.

SAINT HELENA.

14. During the present and the preceding year no Import took place from this quarter. The Exports were very inconsiderable, and consisted of a small shipment of Cotton, to the value of rupees 450, which was sent there for some commercial purpose this year, as reference to Statement No. 6 will exhibit.

St. Helena :
Imports & Exports.

CAPE OF GOOD HOPE.

15. The Imports from the Cape, on reference to Statement No. 5, present an increase of rupees 30,227, including the value of Horses, rupees 3,000, exhibiting an excess almost entirely in Wine; and the Exports to this quarter have decreased rupees 2,238, as shown on reference to Statement No. 6, and the articles composing it too small to deserve remark.

Cape of Good Hope :
Imports & Exports.

ISLES OF FRANCE AND BOURBON.

16. From these islands the Imports have decreased rupees 2,29,478, as will appear by Statement No. 5, chiefly on the articles of its own produce, Cloves, rupees 1,98,184; Sugar, rupees 32,841; and Sundries, rupees 4,253, owing to a larger consignment of Cloves having been made to this Presidency, during the preceding year, than the demand required; but there was a small increase in the import of Brandy, of rupees 5,800, during this season.

Isles of France and
Bourbon :
Imports.

17. Our Exports to these islands, on reference to Statement No. 6, will show an inconsiderable increase this season of rupees 7,584; Treasure decreased rupees 15,502, with an increase in Horses of rupees 3,500, producing an excess in the value of Merchandize, of rupees 19,586; Cotton alone fell off rupees 15,200, which was exported last season, and Sundries, rupees 1,472. The increase in the Exports was in the article of Grain, of rupees 36,258, arising from the demand being unusually great in these islands during the present season.

Exports.

CHINA.

China :
Imports.

18. This important and valuable branch of commerce will exhibit this season, in the total amount of Imports, a net decrease of rupees 3,87,109, as compared with that of the preceding year, the greatest part of which consisted in Treasure, which

1827-28	-	Merchandize.	Treasure
1828-29	-	49,02,862	99,17,753
		51,28,707	93,08,699
		2,25,845	6,09,054
		Increase.	Decrease.

fell short of those of the preceding year, to the amount of rupees 6,09,054; and Horses, rupees 3,900; leaving an inconsiderable increase in the value of Merchandize, of rupees 2,25,845 in favour of 1828-29, as reference to Statement No. 5 will demonstrate. The decrease above noticed in this trade, may be ascribed probably to the commercial

accounts from China being rather unfavourable, owing to the increased demand and the high prices of China produce in that market. The value of Goods, bearing Customs, imported in 1828-29, amounted to upwards of 51 lacs, and that of Treasure, free of Duties, to upwards of 93 lacs; the enormous sum in specie, no doubt, must have been the balance due for Opium, and other Goods left there unsold, when the last Returns were made. On a comparison of the Imports for the years 1827-28 and 1828-29, the value of different articles of Import will appear during the latter season to have increased to upwards of eight lacs, proceeding in a great measure from a somewhat more favourable state of the market here, both for consumption and exportation. On the other hand, a deficiency will appear in this Commerce of upwards of six lacs, owing in a great degree to the diminished Imports from that quarter, and this falling off is attributable, no doubt, to the difficulty of obtaining a return for the Goods exported to that market, which has induced merchants to prefer Treasure to Goods, as being, of the two, the least disadvantageous mode of making his returns. The subjoined Statement will show, under one view, the Increase and Decrease in this trade, compared with the amount of the same articles imported in 1827-28.

	DECREASE.	INCREASE.
Alum	-	39,258
Brass Leaf	-	28,424
Cassia	-	2,90,357
China-ware	14,137	-
Cochineal	-	34,972
Copper	-	1,74,587
False Beads	10,683	-
Fireworks	-	53,685
Hurtal, Arsenic	16,725	-
Iron	1,23,606	-
Lead	1,04,613	-
Mace	11,879	-
Nutmegs	19,852	-
Piece Goods	-	62,482
Raw Silk	2,22,301	-
Stationery	29,648	-
Sugar	-	13,016
Summerheads	-	28,203
Tea	-	1,19,444
Tobacco	16,679	-
Vermilion	44,289	-
Sundries	4,171	-
	6,18,583	8,44,428
Deduct Decrease	-	6,18,583
Net Increase	-	2,25,845

19. It is here proper to observe, that the Report of the year 1827-28 recorded a serious decrease of rupees 8,25,000, upon the cargoes of the late ship Byramgore, of this Port; yet there appears, this year, a further decrease in our Revenue upon the cargoes of the late unfortunate Portuguese brig, Dourado, from Macao, which was wrecked near Singapore; her cargo consisted of dollars, nearly three lacs, and goods about two lacs bound to this Port.

20. The

20. The Statement No. 6, for the year 1827-28, exhibits an increase in the exportation to China, to the amount of rupees 29,32,688; that of 1828-29 has, on the contrary, undergone an extraordinary decrease, of rupees 14,44,969, of which sum, rupees 17,600 was on account of Treasure more exported, as also in that of Horses, rupees 1,300; exhibiting a serious diminution in the value of our Exports to China this season, to the extent of rupees 14,63,869, as will be shown on reference to Statement No. 6, a great part of which may be accounted for by the unfavourable state of the Canton markets, principally for the chief article of our trade, Opium, which has decreased rupees 9,07,540; as also in that of Cotton, rupees 8,03,190; the great decline here apparent, is attributable to the markets being dull for those articles, and no doubt from the large shipments of Opium from Demaun and the other side of India, which was formerly so advantageous, and generally found to obtain a moderate profit. Notwithstanding, the Exports from hence will appear to have increased upwards of four lacs, in Sandal Wood, Pearls, Shark Fins, &c. These consignments were probably made more this year from the markets here being dull for these articles, than from any positive demand for them in that market. The Increase and Decrease above reported will be found in the following articles, compared with that of 1827-28:

China:
Exports.

Merchandise.	
1827-28 - -	1,37,14,979
1828-29 - -	1,22,51,110
Decrease - -	<u>14,63,869</u>

	INCREASE.	DECREASE.
Cornelians - - - - -	- - -	53,937
Cotton - - - - -	- - -	8,03,190
Cotton Yarn, Europe - - - - -	- - -	16,307
Cow Bezoar - - - - -	- - -	16,350
Elephants' Teeth - - - - -	- - -	45,817
Gums - - - - -	17,646	-
Gynda - - - - -	10,516	-
Opium - - - - -	- - -	9,07,540
Pearls - - - - -	1,07,333	-
Piece Goods - - - - -	- - -	41,404
Putchuck or Wooplate - - - - -	28,753	-
Sandal Wood - - - - -	2,04,124	-
Shark Fins - - - - -	65,285	-
Sundries - - - - -	- - -	12,984
	<u>4,33,657</u>	<u>18,97,526</u>
Deduct Increase - - -	- - -	4,33,657
Net Decrease - - - Rs.		<u>14,63,869</u>

MANILLA.

21. The Imports from this quarter show an increase this season of rupees 4,12,412, as shown by Statement No. 5, the greatest part of which was in the article of its own produce, Sugar, of rupees 4,06,123; in Sappan Wood, rupees 6,097; and Tobacco, rupees 192, which generally finds a ready sale at this Port, both for shipping and consumption. No import took place from Manilla during the preceding year, nor have Exports been made thither during this and last season. These Imports were made by British ships. Government Duties were levied at the rate of $3\frac{1}{2}$ per cent. Customs, and 4 per cent. Town Duty, on the principal article of Sugar, under an advance of 20 per cent., subject to Drawback if exported.

Manilla:
Imports & Exports.

PENANG AND THE EASTERN ISLANDS.

22. On reference to Comparative Statement No. 5, the Imports from these islands will exhibit an increase of rupees 31,757. Treasure, will appear to have exceeded those of the preceding year in the sum of rupees 1,15,558; and Horses, rupees 850; leaving in the value of Merchandise a decrease of rupees 84,651. At the same time, it will be observed, there is a considerable decrease, to the amount of rupees 2,46,079, compared with the Imports of the former year, chiefly occasioned by a diminished import of Sugar, and other Eastern produce, this year than the preceding. The articles on which there was an increase, were Dammer, Tin, Copper, &c. The following articles will show the particulars of the Increase and Decrease from this quarter during 1828-29:

Penang and the
Eastern Islands:
Imports.

	INCREASE.	DECREASE.
Piece Goods - - - - -	- - -	3,41,452
Raw Silk - - - - -	- - -	69,504
Sugar - - - - -	1,09,237	-
Sundries - - - - -	- - -	45,362
	2,22,303	8,36,978
Deduct Increase - - -	- - -	2,22,303
Net Decrease - - - Rs.	- - -	6,14,675

III.
External
and Internal
Commerce.
(3.)
B O M B A Y.

Bengal :
Imports.

Exports.

25. Our Exports to Bengal continue, as last year, to show a decrease. The Statement No. 6, for the preceding year exhibited a decrease of rupees 90,675 ; by the same document will appear this season a deficiency of rupees 1,42,674. Treasure gives an increase of rupees 10,600, and Horses 14,200 rupees ; Merchandize suffered a diminution of rupees 1,67,474. The Bengal market having been overloaded, the exporters no longer find the same advantage they formerly did, which may reasonably account for the diminished Export in this trade. There will appear, however, an increase of rupees 1,10,664 in different articles ; these consignments were probably made more from the markets here being dull, than that there existed a demand for them in that market. The following Statement will show the Increase and Decrease above noticed :

	INCREASE.	DECREASE.
Alum - - - - -	27,280	-
Cotton - - - - -	- - -	64,625
Cotton Yarn, Europe - - - - -	- - -	15,302
Ghee - - - - -	- - -	10,465
Glass, Window - - - - -	18,175	-
Lamita - - - - -	12,300	-
Pepper - - - - -	21,305	-
Piece Goods - - - - -	- - -	1,35,675
Printed Cottons - - - - -	- - -	40,156
Salt - - - - -	12,857	-
Seeds - - - - -	- - -	11,915
Sundries - - - - -	18,747	-
	1,10,664	2,78,138
Deduct Increase - - -	- - -	1,10,664
Net Decrease - - - Rs.	- - -	1,67,474

COAST OF COROMANDEL.

26. From this coast the Imports will be found to have decreased, rupees 10,675, as appears by the accompanying Statement No. 5, but at the same time there will appear an increase of rupees 44,381, chiefly in the value of Madras Piece Goods, of rupees 39,793 ; and Lakh, rupees 4,588 ; arising from the increased demand for them in this market. The diminished Import was rupees 55,056. Cloves alone fell off, rupees 29,890, with a few other trifling articles, in extent so very limited as scarcely to deserve notice.

Coast of
Coromandel :
Imports.

27. Statement No. 6 presents an increase in the Exports to this quarter of rupees 9,442. In Horses there has been an increase of rupees 10,000, leaving in Merchandize an insignificant decrease of rupees 558. On a comparison of the Exports of 1827-28 with 1828-29, there will appear, during the latter season, an increase of several articles, of rupees 69,496, owing to a greater demand this season on that coast. On the other hand, a decrease of rupees 68,938 will be observed in this commerce, chiefly occasioned in consequence of low price, and owing to a limited demand in that market. The following Statement will show the Increase and Decrease above alluded to :

Exports.

III. External and Internal Commerce.										INCREASE.	DECREASE.
(3.) B O M B A Y.											
Coast of Coromandel; Imports.	Dates	-	-	-	-	-	-	-	-	15,891	—
	Eatables	-	-	-	-	-	-	-	-	—	8,683
	Grain	-	-	-	-	-	-	-	-	26,165	—
	Iron	-	-	-	-	-	-	-	-	8,437	—
	Pepper	-	-	-	-	-	-	-	-	11,890	—
	Piece Goods	-	-	-	-	-	-	-	-	7,113	—
	Raw Silk	-	-	-	-	-	-	-	-	—	47,799
	Tea	-	-	-	-	-	-	-	-	—	12,078
	Sundries	-	-	-	-	-	-	-	-	—	1,494
										69,496	70,054
										Deduct Increase - - -	69,496
										Net Decrease - - Rs.	558

CEYLON.

Ceylon : Imports. 28. The Imports from this island, alluded to in Statement No. 5, present an increase of rupees 97,823, occasioned chiefly in the article of its own produce, Coffee, of rupees 83,233; Sugar, rupees 7,846; and Sundries, rupees 6,744. The Commerce from this quarter continues to improve. The value of Coffee, in 1827-28, was rupees 48,811; but this year exhibits a more extensive Import, to the amount of rupees 1,32,044; and nearly the whole consignments were shipped for the Europe markets, with some advantageous sale.

Exports. 29. In like manner the Exports to this island have increased rupees 81,156. On reference to Statement No. 6, in Horses, will show a decrease of rupees 1,900. In Merchandize, producing an increase of rupees 83,056 within the present season. Piece Goods was the only article which diminished, rupees 40,973; for the article has not of late been much in demand, and prices generally lower, from the great import of British Piece Goods in that market. There has been a large increase in our Exports, of rupees 1,24,029, of which Grain alone was valued at rupees 52,073; Wine, rupees 16,294; Eatables, rupees 16,058; and rupees 39,604 in various other articles of inferior value, for the consumption, owing to some scarcity, and the demand being greater than usual in that island during the present season.

MALABAR AND CANARA.

Malabar & Canara : Imports. 30. There appears an increase in the Imports from these Provinces, of rupees 1,15,136: in Treasure have diminished rupees 35,780, leaving an excess in Goods, of rupees 1,50,916, as a reference to Statement No. 5 will show; but a comparison of the Imports with the articles of the preceding year there will exhibit an increase, though more extensive from this quarter, of rupees 8,85,131. The increase was upon the article Sandal Wood, of rupees 3,42,295; Cotton, rupees, 2,51,788, and various other valuable items of Imports from this quarter, owing to the favourable state of the markets here, for exportation and consumption. Notwithstanding, a defalcation will be observed in this trade of upwards of seven lacs, principally in the articles of Copra, Grain, Piece Goods, &c. occasioned by a fall of price, and owing to a less demand for them in this market, from the great importation from other countries. The articles of Increase and Decrease above reported will be found contained in the following Sketch :

	DECREASE.	INCREASE.
Beetle-nut	- - -	48,898
Chilly	- - -	13,367
Cocoa-nuts	- - -	—
Coir	- - -	31,759
Copra	- - -	—
Cotton	- - -	2,51,788
Ghee	- - -	—
Ginger	- - -	—
Grain	- - -	—
Oil	- - -	—

	DECREASE.	INCREASE.
Pepper - - - - -	- - -	10,878
Piece Goods - - - - -	2,22,444	—
Sandal Wood - - - - -	- - -	3,42,295
Shark Fins - - - - -	- - -	12,227
Sugar - - - - -	- - -	42,282
Timber - - - - -	- - -	1,07,403
Turmeric - - - - -	- - -	23,243
Sundries - - - - -	- - -	991
	7,34,215	8,85,131
Deduct Decrease - - -	- - -	7,34,215
Net Increase - - - Rs.	- - -	1,50,916

III.
External
and Internal
Commerce.

(3.)
B O M B A Y.

Malabar & Canara :
Imports.

Exports.

31. The Exports to these Provinces, on reference to Statement No. 6, will be seen to have also increased to the amount of rupees 2,30,189, of which sum Treasure was rupees 30,608; and Horses were more considerable, of rupees 1,13,400: this consignment, understood to have arisen from the increased demand for them at that coast this season, exhibiting an increase in Merchandize of rupees 86,181; but on comparing the value of Exports of the present with that of the preceding year, there appears to be an increase in the different articles of our Exports of rupees 2,29,432, which may be attributed to the favourable state of the markets on the coast. On the other hand, a diminished Export will appear, of rupees 1,43,251, in consequence, it is believed, of the markets having been dull, and the supply rather abundant. The following Statement constitutes the Increase and Decrease in question :

	DECREASE.	INCREASE.
Articles for Wearing Apparel - - - - -	- - -	10,734
Beer - - - - -	- - -	7,905
Brandy - - - - -	- - -	10,503
Broad Cloth - - - - -	- - -	14,262
Camphire - - - - -	- - -	5,698
Copper - - - - -	- - -	28,468
Cotton - - - - -	- - -	11,615
Cutlery - - - - -	- - -	5,819
Eatables - - - - -	- - -	5,343
Hing - - - - -	13,989	—
Iron - - - - -	- - -	18,915
Opium - - - - -	- - -	16,500
Piece Goods - - - - -	89,534	—
Printed Cottons - - - - -	- - -	9,098
Raw Silk - - - - -	10,630	—
Shawls - - - - -	- - -	17,407
Spelter - - - - -	12,489	—
Stationery and Books - - - - -	16,609	—
Sugar - - - - -	- - -	22,263
Wine - - - - -	- - -	15,793
Sundries - - - - -	- - -	29,109
	1,43,251	2,29,432
Deduct Decrease - - -	- - -	1,43,251
Net Increase - - - Rs.	- - -	86,181

GOA, DEMAUN AND DIN.

32. From this quarter will be seen, on reference to Statement No. 5, that the Imports have increased rupees 55,275; in Treasure there was a decrease of rupees 14,422, leaving an excess in Merchandize of rupees 69,697. The Imports in Cloves were by far the most considerable, of rupees 1,07,755; and Sundries, rupees 15,980. The increased Import of Cloves was made by a Portuguese ship here,

Goa, Demaun
and Din:
Imports.

III.
External
and Internal
Commerce.

(3.)

B O M B A Y.

here, no doubt the produce of Eastern Islands, and arises from the article finding its way to this Presidency, in consequence of its not having been saleable at the port to which it is usually consigned, and meeting here with a ready market for exportation; but the Imports in Cocoa-nuts fell off rupees 54,038, owing to a less quantity, and low price in the market.

33. To this quarter the Exports will shew an increase of rupees 9,909, as per Statement No. 6, of which sum Treasure was rupees 945, and Horses rupees 300; leaving in Goods, the sum of rupees 8,664. The chief article of increase was Copper, rupees 10,926; Sugar, 20,497; and Broad Cloth, rupees 3,877. The articles of decrease amounted to rupees 26,636, consisting of Grain, Tea, Eatables, Spelter and Wine, less exported this season than in the preceding.

CUTCH AND SCIND.

Cutch and Scind:
Imports.

34. The value of the Import Trade from these countries, as specified in Statement No. 5, exhibit an increase, of rupees 1,53,843, including Treasure, rupees 5,290. In Horses there has been less, rupees 98,460; showing, in the value in Goods, an increase to the extent of rupees 2,47,013, occasioned chiefly by the Imports therefrom being more in Cotton, rupees 2,68,138; Ghee, rupees 1,10,369; and Sundries, 1,230, which generally obtains an advantageous sale in this market; however, a decrease will appear from this quarter, of rupees 1,32,724; in the diminished import of Grain, rupees 58,422; Elephants' Teeth, rupees 38,212, and various other articles, proceeding from the prices having materially fallen here, owing to the extensive importation from other quarters.

Exports.

35. On reference to Statement No. 6, a decrease of rupees 2,16,583 will appear in the Exports to this quarter during this season, of which rupees 39,100 consisted of Treasure, and Horses 400 rupees; in Merchandize there exhibits a decrease of rupees 1,77,883; in the single article of Piece Goods, a deficiency is observable of rupees 2,00,326, owing probably to the demand being unusually great in those countries during the preceding year, and the markets being, in consequence, overloaded with British Piece Goods, which caused a diminution in the present season. By the same document will be perceived an increase of rupees 1,19,494, chiefly in Iron, Cotton Yarn, Copper, &c. proceeding from the articles having become rather scarce, and the prices having increased in the interior of those countries at the time. The Increase and Decrease here reported will be found in the following Statement:

	INCREASE.	DECREASE.
Cardamums - - - - -	9,820	—
Cochineal - - - - -	7,717	—
Cocoa-nuts - - - - -	—	8,172
Copper - - - - -	18,915	—
Cotton Yarn, Europe - - - - -	25,371	—
Gunnies - - - - -	9,562	—
Jagree - - - - -	—	13,033
Iron - - - - -	25,845	—
Lead - - - - -	—	18,556
Piece Goods - - - - -	—	2,00,326
Printed Cottons - - - - -	8,029	—
Raw Silk - - - - -	—	5,233
Spelter - - - - -	7,213	—
Steel - - - - -	7,022	—
Sugar - - - - -	—	51,528
Sundries - - - - -	—	529
	1,19,494	2,97,377
Deduct Increase - - -	—	1,19,494
Net Decrease - - - Rs.	—	1,77,883

PERSIAN GULF.

Persian Gulf:
Imports.

36. From the Persian Gulf the Imports will exhibit a considerable increase this season, to the amount of rupees 13,05,524, as appears by the accompanying Statement No. 5. The Imports in Specie were by far the most extensive, which show an increase beyond the preceding, of rupees 8,38,129. In Horses there has been

been a decrease of rupees 1,03,750, owing to the demand being less, in consequence of the large consignments of the preceding year to this market; exhibiting in the value of Goods an increase of rupees 5,71,145, arising principally on account of a very extensive Importation therefrom of Raw Silk, of rupees 3,97,874; Dates, rupees 1,16,077; Copper, old, rupees 1,06,451, and Sundries, rupees 11,367, owing to the favourable state of the markets here, whilst, on the other hand, a decrease will be perceived from this quarter of rupees 60,624, in Diamonds, Hing, and Lamita, attributable entirely to a diminution of these articles during the present season.

37. An increase in the Exports to the Persian Gulf will be seen, on reference to Statement No. 6, to the amount of rupees 11,46,099, including a large consignment of Treasure, rupees 1,09,084, which was shipped to Muscat for some commercial purpose: it leaves an increase in Merchandize of rupees 10,37,015. (Last year's Report presented a considerable decrease in the General Exports to this quarter, of rupees 8,25,646, in the diminished Export of Piece Goods and Shawls, owing to the markets in the Gulf being overstocked with those articles.) The increase above stated is occasioned by an extensive consignment having been made this year of Europe Piece Goods, Cashmere Shawls, Sugar, Cardamums, Cassia, Coffee, Pepper, with various other valuable articles of Exports, owing to the demand being great, and in consequence of the favorable state of the Persian markets; whereas a deficit will be observed in this trade, of rupees 2,99,034; in the single article of Grain, to the amount of rupees 2,04,694, which was exported last season, in consequence of great scarcity, and consequent high prices of Grain in the interior, for the consumption of those markets: the remainder was comprised of Indigo, Lead, and Printed Cottons, of which less were exported in this than the last. The following Sketch shows the articles composing the Increase and Decrease in this trade:

	DECREASE.	INCREASE.
Broad Cloth - - - - -	- - -	10,575
Cardamums - - - - -	- - -	47,589
Cassia - - - - -	- - -	85,701
China-ware - - - - -	- - -	10,895
Coffee - - - - -	- - -	63,742
Cotton Yarn, Europe - - - - -	- - -	33,979
Grain - - - - -	2,04,694	—
Indigo - - - - -	46,740	—
Iron - - - - -	- - -	42,466
Lakh - - - - -	- - -	18,810
Lead - - - - -	21,289	—
Pepper - - - - -	- - -	86,522
Piece Goods - - - - -	- - -	2,85,572
Printed Cottons - - - - -	26,311	—
Raw Silk - - - - -	- - -	19,916
Sappan Wood - - - - -	- - -	59,110
Shawls - - - - -	- - -	3,25,219
Sugar - - - - -	- - -	1,73,319
Tin - - - - -	- - -	26,752
Sundries - - - - -	- - -	45,882
	2,99,034	13,36,049
Deduct Decrease - - -	- - -	2,99,034
Net Increase - - - Rs.	- - -	10,37,015

ARABIAN GULF.

38. The Imports from this quarter in 1827-28 presented an increase beyond the preceding year of rupees 4,53,084, of which the Imports in Treasure were by far the most considerable, of rupees 4,81,798, leaving a decrease in the value in Goods, rupees 28,714. The Import in the year under Report, on the contrary, has undergone a total decrease, amounting *in toto* rupees 4,12,030; Treasure occasioned the deficit above exhibited in the Imports, being in the heavy sum of rupees 4,01,553, leaving in the value in Merchandize a decrease of rupees 10,477 in the present

III.
External
and Internal
Commerce.
—
(3.)
ROMBAY.

Persian Gulf:
Exports.

Arabian Gulf:
Imports.

III.
External
and Internal
Commerce.

(3.)
B O M B A Y.

Arabian Gulf:

Imports.

present season, as reference to Statement No. 5 will exhibit. On comparing the Imports with the preceding year, an increase will be seen in the several articles from the Gulf in 1828-29, of rupees 1,01,808 as well as a deficiency of rupees 1,12,285. The chief Import of Coffee, which was formerly very great, has of late declined; this must be attributable to the ports of that coast being much visited by foreign vessels, trading from America and France, where they complete the more valuable return cargoes as are required for their market, at much more reasonable rates and superior qualities. The Increase and Decrease here reported will be found contained in the following Statement :

	INCREASE.	DECREASE.
Aloes - - - - -	13,508	—
Copper, Old - - - - -	10,977	—
Elephants' Teeth - - - - -	18,309	—
False Beads - - - - -	- - -	18,537
Gum Arabic - - - - -	22,016	—
— Olibanum - - - - -	36,998	—
Lamita - - - - -	- - -	11,666
Pearls - - - - -	- - -	20,900
Piece Goods - - - - -	- - -	16,305
Shark Fins - - - - -	- - -	10,028
Sundries - - - - -	- - -	34,849
	1,01,808	1,12,285
Deduct Increase - - -	- - -	1,01,808
Net Decrease - - - Rs.	- - -	10,477

Exports.

39. The Exports, on reference to Statement No. 6, present an increase of rupees 1,45,855, inclusive of Treasure, rupees 28,280; in Merchandize there exhibits an increase of rupees 1,17,575. Taking a comparative view of our Exports from hence, in this and in the last year, an increase of rupees 2,04,434 will appear on the several articles of Export during the former, owing entirely to the diminished consignments of the preceding year, and present demand in that quarter. Although there appears a decrease in the single article of Grain, of rupees 86,859, in consequence of less demand, and consequent low price in those markets. The Increase and Decrease are as follows :

	DECREASE.	INCREASE.
China-ware - - - - -	- - -	10,047
Grain - - - - -	86,859	—
Iron - - - - -	- - -	21,066
Pepper - - - - -	- - -	21,030
Piece Goods - - - - -	- - -	99,753
Shawls - - - - -	- - -	23,915
Tobacco - - - - -	- - -	15,583
Sundries - - - - -	- - -	13,040
	86,859	2,04,434
Deduct Decrease - - -	- - -	86,859
Net Increase - - - Rs.	- - -	1,17,575

COAST OF AFRICA.

Coast of Africa:
Imports.

40. From the African Islands the Imports, on reference to Statement No. 5, exhibit an increase this season of rupees 97,482, almost entirely in the excess of Treasure of rupees 96,849, leaving an insignificant increase in Merchandize of rupees 633; but on examination of this trade with the preceding year, there will appear an increase of rupees 37,622, chiefly upon the value of Rhinoceros' Horn, Sea Cows, Myrrh and Wine; whilst a deficiency at the same time will appear, of rupees

rupees 36,989, in the diminished import of Cloves, Elephants' Teeth, Gum Copal, and other trifling articles from this quarter in the present season.

41. With reference to Statement No. 6, the Exports will show an increase of rupees 79,070, including Treasure, rupees 4,600; in Merchandize exhibits an increase of rupees 74,470; but on comparing the year 1827-28 with that of 1828-29, there will be observed a more extensive increase in the several articles of our Exports, amounting to rupees 1,02,386; the excess was in Piece Goods, of rupees 69,036; Iron, rupees 14,625; Brass Work, rupees 9,196; and Sundries, rupees 9,529, occasioned by extensive consignments having been made this season to the different African Ports, from the increased demand, with some chance of gain. The articles of decrease only amounted to rupees 27,916; in Grain, rupees 20,572, and Cotton, rupees 7,344; this may in a great degree be attributed to the high prices which were obtained in those markets during the preceding season.

AMERICA.

42. The cause of the very limited extent of the trade lately carried on between this Presidency and the United States of America, must be too apparent to require any remark from this office. In the Statements herewith submitted, it will be found that the total of this commerce, in 1827-28, was rupees 16,613; in 1828-29, rupees 14,617, which leaves a deficit in the latter season, of rupees 1,996; which sum includes Treasure, rupees 1,142, and in Merchandize, rupees 854, as will appear on reference Statement No. 5.

43. The Exports to this quarter in like manner have decreased, rupees 6,813, being entirely the consignments of the preceding year, as per Statement No. 6, no Exports to America having taken place during the year 1828-29. It may not be considered unworthy of remark, that the vessel which arrived from America, cleared out direct from this Port to Penang and the Eastern Islands, in the expectation of procuring cargoes, &c. there on more favourable terms for that market.

SUBORDINATES:

PUNWELL AND THE CONCAN.

44. The total Imports from Punwell and the Concan will show this season an increase to the amount of rupees 6,21,048, as specified in Statement No. 5. The Imports in specie were by far the most considerable, exceeding the preceding year in rupees 8,06,789; in Horses there was a decrease of rupees 10,700, leaving in the value in Merchandize a defalcation of rupees 1,75,041, during the present season. But on comparing the Imports of 1827-28 and 1828-29, there will exhibit a decrease in the latter season of rupees 2,71,899; the chief item was Grain, rupees 1,66,416; and several other articles, which would appear to have been imported here in less quantities this year, from the abundant supplies from other quarters, and the prices having materially fallen in this Presidency. There are others which at the same time have increased, rupees 96,858, arising, in all probability, from the articles being required for the consumption of this market. The subjoined Sketch will exhibit the Increase and Decrease, as compared with the Imports of the preceding year:

	INCREASE.	DECREASE.
Arrack - - - - -	36,344	—
Bale Lashings - - - - -	- - - - -	28,445
Cotton - - - - -	- - - - -	12,728
Ghee - - - - -	- - - - -	9,515
Grain - - - - -	- - - - -	1,66,416
Hemp - - - - -	20,733	—
Jagree - - - - -	39,781	—
Rafters - - - - -	- - - - -	33,488
Sundries - - - - -	- - - - -	21,307
	96,858	2,71,899
Deduct Increase - - -	- - -	96,858
Net Decrease - - - Rs.	- - -	1,75,041

III.

External
and Internal
Commerce.

(3.)

B O M B A Y.

Coast of Africa:

Exports.

America:

Imports.

Exports.

Subordinates:
Punwell and the
Concan;
Imports.

III.

External
and Internal
Commerce.

(3.)

BOMBAY.

Subordinates :
Punwell and the
Concan ;
Exports.

45. Our Exports, on the contrary, have decreased during the present season to the amazing sum of rupees 13,75,853 ; the greatest part of which consisted of Treasure less exported, to the amount of rupees 9,45,833, it is believed, in consequence of a great fall of grain at this Presidency ; and in Horses it has increased, rupees 83,625, owing to the great demand and high prices in the interior ; the value of Merchandize has been reduced, to the amount of rupees 5,13,645 ; but on a comparison of the several articles of Exports in this with the preceding year, the decrease would appear, though more extensive, of rupees 9,46,731, which may be ascribed to the Exports of the preceding year having been carried to a greater extent than there existed a demand for in these markets. However, an increase will present itself this year, of rupees 4,33,086, on the amount of various articles of trade, arising generally from the greater demand for them in the present season. The following Statement exhibits the Increase and Decrease above noticed :

	INCREASE.	DECREASE.
Arrack - - - - -	11,873	—
Articles for Wearing Apparel - - - - -	- - - - -	20,869
Beads - - - - -	- - - - -	15,050
Beer - - - - -	- - - - -	23,995
Broad Cloth - - - - -	37,339	—
Copper, Old - - - - -	26,885	—
Copra - - - - -	- - - - -	36,019
Coral - - - - -	- - - - -	28,687
Dates - - - - -	- - - - -	22,880
Eatables - - - - -	- - - - -	18,825
False Beads - - - - -	- - - - -	25,890
Hing - - - - -	- - - - -	10,770
Jewellery, Country - - - - -	- - - - -	1,49,262
Iron - - - - -	11,850	—
Lead - - - - -	- - - - -	18,457
Mace - - - - -	- - - - -	11,217
Nankeens - - - - -	- - - - -	18,688
Nutmegs - - - - -	- - - - -	15,310
Pearls - - - - -	1,77,158	—
Pepper - - - - -	11,933	—
Piece Goods - - - - -	1,33,110	—
Raw Silk - - - - -	- - - - -	2,88,748
Shawls - - - - -	- - - - -	38,090
Spelter - - - - -	- - - - -	11,344
Stationery and Books - - - - -	- - - - -	18,770
Sugar - - - - -	- - - - -	49,450
Tea - - - - -	11,093	—
Timber - - - - -	11,845	—
Tin - - - - -	- - - - -	15,841
Wine - - - - -	- - - - -	51,827
Sundries - - - - -	- - - - -	56,742
	4,33,086	9,46,731
Deduct Increase - - -	- - -	4,33,086
Net Decrease - - Rs.	- - -	5,13,645

SURAT.

Surat :
Imports.

46. The Imports continue, as in last year, to fall off in the net amount of rupees 7,29,255 ; in Merchandize, 2,51,585 ; and Treasure, rupees 4,77,667, as a reference to Statement No. 5 will exhibit. A decrease in several of the principal articles will be seen on a comparison of 1827-28 and 1828-29, of rupees 2,97,714 ; which will be found to have fallen chiefly in the article of Cotton, rupees 2,69,617 ; and Sundries, rupees 28,097, occasioned by a less quantity being imported this season than the last. There was an increase, of rupees 46,129, in Indigo, Gold Lace, Grain, &c. for the consumption of this market. The following is the Increase and Decrease in this trade during the present season :

	INCREASE.	DECREASE.
Brass Work - - - - -	5,947	—
Cotton - - - - -	- - - - -	2,69,617
Gold Lace - - - - -	8,408	—
Grain - - - - -	3,532	—
Indigo - - - - -	21,118	—
Piece Goods - - - - -	- - - - -	4,805
Raw Silk - - - - -	- - - - -	7,032
Rus Camphire - - - - -	7,124	—
Sundries - - - - -	- - - - -	16,260
	46,129	2,97,714
Deduct Increase - - -	- - -	46,129
Net Decrease - - Rs.	- - -	2,51,585

III.
External
and Internal
Commerce.

(3.)
B O M B A Y.

Subordinates :
Surat ;
Imports.

47. Statement No. 6 will also present, in the Exports, a serious decrease, amounting, on the whole, to rupees 4,57,548, including Treasure, rupees 85,103, and Horses, rupees 3,625, leaving a deficiency in Merchandize, of rupees 3,68,820. The articles on which there was decrease were Piece Goods, of rupees 1,56,109 ; Raw Silk, rupees 87,725 ; Elephants' Teeth, rupees 40,259 ; and different other articles, owing to a less demand, and prices rather low in that market. Notwithstanding, an excess will be seen, of rupees 86,655 in the several articles of Exports, in consequence of some increased demand for them during the present season. The following articles formed the Increase and Decrease in question :

Exports.

	INCREASE.	DECREASE.
Articles for Wearing Apparel - - - - -	- - - - -	17,477
Beetle-nut - - - - -	13,663	—
Broad Cloth - - - - -	10,379	—
Copper - - - - -	19,712	—
Ditto, Old - - - - -	24,800	—
Cotton Yarn, Europe - - - - -	- - - - -	33,167
Elephants' Teeth - - - - -	- - - - -	40,259
Jewellery, Country - - - - -	- - - - -	31,916
Pearls - - - - -	- - - - -	36,059
Piece Goods - - - - -	- - - - -	156,109
Quicksilver - - - - -	18,101	—
Raw Silk - - - - -	- - - - -	87,725
Sundries - - - - -	- - - - -	52,763
	86,655	455,475
Deduct Increase - - -	- - -	86,655
Net Decrease - - Rs.	- - -	3,68,820

GUZERAT.

48. From this Province the Imports appear this season to have suffered in their ultimate amount rupees 7,55,976, as exhibited in the Statement No. 5, of which sum rupees 21,578 were on account Treasure ; and Horses, rupees 37,200, leaving a deficiency in the value of Merchandize of rupees 6,97,198 in 1828-29 ; but on comparing the value of the Imports from this quarter for the years 1827-28 and 1828-29, the decrease would hence appear to have been more serious in the several articles of rupees 13,55,762 : the deficiency fell chiefly in the principal article of its own produce, Cotton, of rupees 10,82,350, (the Report for the year 1827-28, under this head, had to record an increase of above 23 lacs), which partly may be ascribed to the lateness of the crop and less produce, and partly to the violence of the weather having put a stop to the Boat-trade at an earlier period than usual, in consequence of which, a large proportion of Cotton, intended for the Presidency, remained to the Northward. Notwithstanding, an increase will be observed in this commerce of
320. c. Y 3 rupees

Guzerat ;
Imports.

	I N C R E A S E.	D E C R E A S E.
Gunnies - - - - -	12,087	—
Jewellery, Country - - - - -	28,000	—
Iron - - - - -	84,060	—
Lead - - - - -	- - -	21,982
Piece Goods - - - - -	- - -	1,50,031
Raw Silk - - - - -	- - -	1,24,838
Spelter - - - - -	- - -	35,685
Sugar - - - - -	10,410	—
Tin - - - - -	- - -	19,916
Tortoise-shells - - - - -	- - -	16,900
Wine - - - - -	34,460	—
Sundries - - - - -	- - -	28,885
	5,26,987	7,81,197
Deduct Increase - - -		5,26,987
Net Decrease - - Rs.		2,54,210

III
External
and Internal
Commerce.

(3.)

B O M B A Y.

Subordinates :

Guzerat ;

Exports.

Bombay,
Office of Reporter General
on External Commerce,
31 October 1829. }

(signed)

P. V. Doveton,
Reporter General.

BENGAL - - - - - p. 1 to 125.

Paragraphs 1 to 412.

MADRAS - - - - - p. 126 to 142

Paragraphs 1 to 51.

BOMBAY - - - - - p. 143 to 163

Paragraphs 1 to 49.

INDEX.

N. B.—The Paper to which this Index refers is divided into Three Heads; viz The Presidencies of *Bengal*, *Madras*, and *Bombay*. The Paragraphs under each head are numbered in distinct series, commencing with 1. In the Index the *Figures* subjoined to the name of the Presidency refer to the Page where the subject relating to that Presidency begins; all others to the Paragraphs under the same head.

A.

AFRICA:

[*Bengal*, page 91]—Commerce with, comprehending the Mauritius and Cape of Good Hope, par. 351.

[*Bombay*, p. 158]—Trade with, par. 40.

America, United States of:

[*Bengal*, p. 96]—Commerce with, comprehending Brazils and South America, par. 367, 368—Imports, 369—Fluctuations in particular articles, 370—Value of exports, 371—Fluctuations in exports, 372—Comparison in value of exports and imports, 373—Not an advantageous trade, 374—Fluctuations in particular articles of import, 375—Increase of exports of cottons neutralized by decline in value of indigo and other articles, 376.

[*Bombay*, p. 159]—Decrease of trade, par. 42, 43.

Arabian and Persian Gulphs:

[*Bengal*, p. 81]—Trade with, par. 326—Imports, in detail, 327—Articles of increase and decrease, 328—Exports, in detail, 329—Fluctuations, 330—Comparative difference, 331—Trade declined, and in what articles, 332.

[*Bombay*, p. 157]—Trade of; its increase and decrease, par. 38.

Arrack, [*Bengal*, p. 46]—Quantity imported, par. 220.

Asia, [*Bengal*, p. 60]—Trade with; aggregate amount, par. 271—Value of imports and exports from particular ports, 272.

Assam, [*Bengal*, p. 122]—Trade with, par. 406.

B.

Beer. See *Malt Liquors*.

BENGAL, Trade of, in 1828-29, page 1:

Amount of external and internal commerce, par. 1—Decrease, compared with the preceding year, 2—Company's and Private Trade compared, 3—Fluctuations, chiefly in treasure, 4—Abstract view for nine years, 5—Gross value of imports of treasure and bullion, 6—Merchandise imported, 8—Exports decreased, 9—Gross value, 15—Vessels and tonnage, 162-168.

General observations on the external trade, 387—General view of the Company's trade, and abstract of imports and exports; with a comparison of the Company's and Private Trade, 394—Collection of duties on imports, 395-398—Comparative view of external commerce for the last ten years, 399—Progress or decline of each particular article, 400.

General observations on the internal trade of Bengal, 401-403—Fluctuations, 404—Details of fluctuations, 405—Details of articles imported and exported by land; treasure, rice, and lac dye, being free from duty, are not included, 406—Duties and Custom-house revenue, 407-411—Comparison of external and internal trade, 412.

Trade with *Bombay*, p. 152; Imports, par. 24—Exports, 25.

Betel-nuts, [*Madras*, p. 138]—Imported into, par. 40—Exported, 43.

BOMBAY, Trade of, in 1828-29, page 143:

Statement of imports-general, par. 1—Exports-general, 2—Comparative statement of Custom-house collections, 4.

Blankets, [*Bengal*, p. 45]—Imported into, par. 219.

See *Carpets*.

Books, [*Bengal*, p. 45]—Imported into, par. 215.

Bootain. See *Napaul*.

Borax. See *Tincal*.

Bourbon. See *France*, Isle of. *Mauritius*.

Brandy, [*Bengal*, p. 46]—Imported, par. 220.

Brass and Brazieri, [*Bengal*, p. 44]—An unimportant branch of trade, par. 201.

Brazils:

[*Bengal*, p. 99]—Trade with; only a single shipment in 1828–29, par. 377—No imports in that year, 378—Trade precarious, and may be considered suspended, 381.

[*Bombay*, p. 149]—Trade with, par. 12.

Broad Cloth, [*Bengal*, p. 45]—Imported into, par. 219.

Bullion and Treasure:

[*Bengal*, p. 2]—Imported into, par. 4, 6—Fluctuations, 7—Exports, 10–14—Company's and Private Trade compared, 7, 14.

[*Madras*, p. 127]—Trade in bullion and treasure with, par. 6, 7; 29–31.

Burgundy. See *Champagne*.

Burman Territories, [*Bengal*, p. 79]—Trade with, par. 320—By what people chiefly carried on, 325.

Byramgore Ship, [*Bombay*, p. 150]—Effect of its loss on the trade with China, par. 19.

C.

Calcutta, [*Bengal*, p. 31]—Exports from, par. 160, 161—Tonnage and rates to England, 162–168.

Canara. See *Malabar*.

Canvas, [*Bengal*, p. 27]—Imported free from the interior, par. 135—Exports by sea, 136—Particulars of the trade, 137.

Cape of Good Hope:

[*Bengal*, p. 94]—Trade with, par. 360—Imports, 361—Fluctuations, 362—Exports, 363—Increase and decrease, and difference in value, 364, 365.

[*Bombay*, p. 149]—Trade with, par. 15.

Carpets and Blankets, [*Bengal*, p. 23]—Imports, par. 111—And Woollen, 219.

Cashmere:

[*Bengal*, p. 121]—Trade with in shawls, par. 406.

[*Bombay*, p. 161]—Increase of trade in shawls, par. 48.

Castor Oil, [*Bengal*, p. 18]—Imports, par. 84—Exports, 85—Limited to Great Britain, 87.

Cattle, [*Madras*, p. 139]—Increased exports, par. 44.

Ceylon:

[*Bengal*, p. 68]—Trade with, decreased, par. 286—Value of imports, and of what articles, 287—Increase and decrease, 288—Exports decreased, 289—In what articles, 290—Difference in value of imports and exports, 291.

[*Bombay*, p. 154]—Statement of imports and exports, 28, 29.

Champagne and Burgundy, [*Bengal*, p. 46]—Imported, par. 220.

China:

[*Bengal*, p. 84]—Aggregate trade with; value of decreased, par. 334—Imports; value, and articles specified, 335—Goods on which the increase and decrease have occurred, 336—Exports; decrease in gross amount, and articles specified, 337—Particular fluctuations, 338—Imports and exports compared, 339—Declining trade indicated by the articles not imported, 340—Exports chiefly cotton and opium, and diminished, 341—Amount of cotton exported, 342—Observations on particular articles of irregular trade, 343.

[*Bombay*, p. 150]—State of trade with; decrease in 1828–29, par. 18—Loss of the cargoes of the ships *Byramgore* and *Dourado*, 19—Increase and decrease of exports, 20.

Clarets, [*Bengal*, p. 46]—Imported, par. 220.

Coals, [*Bengal*, p. 91]—Imported from New South Wales to Bengal, par. 350.

Cochineal, [*Bengal*, p. 45]—Imported, par. 207.

Concan. See *Punwell*.

Corals,

Corals, Bengal, p. 45]—Imports, par. 206.

Coromandel, Coast of:

[*Bengal*, p. 60]—Gross amount of trade with, par. 273—Imports; value, and specifying articles, 274—Fluctuations in value of imports, 275—Exports; value, and specifying articles, 276—Articles in which the changes have taken place, 277—Difference between imports and exports, 278—Trade carried on by small coasting vessels, 278.

[*Bombay*, p. 153]—Statement of trade with, par. 26.

Cotton Piece Goods:

[*Bengal*, p. 8]—Importation and exportation, par. 30, 31—Company's and Private trade compared, 31—Decrease and increase, 32-35—Rate of investment, 36—Reasons for decline in the trade; establishment of spinning machinery desirable, 148—Trade with Great Britain exceeds the demand; evils apprehended, 237.

[*Madras*, p. 131]—Increase of exports, par. 20—Decrease of, to Bombay, 21—Increased importation, 39, 45.

Cotton:

[*Bengal*, p. 13]—Imported and exported, par. 53, 55—Company's and Private trade compared, 54-59—Price at which provided, 60—Declining of the trade; soil favourable to its production; should be encouraged, 152.—See *China*.

[*Madras*, p. 138]—Decreased imports, par. 41—Exports, 46.

Cottons, British, [*Bengal*, p. 43]—Value of, imported from Great Britain, par. 186—Fallen below prime cost, 188.

Cotton Yarn or Twist, [*Bengal*, p. 43]—Value imported into, from Great Britain, par. 189—Sales below cost, producing failure at Glasgow, 190.

Cutch and Scind, [*Bombay*, p. 156]—Trade of, with, par. 34, 35.

Customs. See *Duties*.

D.

Demaun. See *Goa*.

Din. See *Goa*.

Dourado Ship [*Bombay*, p. 150]—Effect of the loss of that ship on the trade with China, par. 19.

Duties and Customs:

[*Bengal*, p. 107]—On the external trade, par. 395—On Exports, 396—Statement of duties and Custom-house revenue on the external and internal trade, 407-411.

[*Madras*, p. 141]—State of the amount of Land and Sea Customs, par. 50—Increase of revenue, 51.

[*Bombay*, p. 145]—Comparative Statement of Collections at the Custom-house, par. 4.

Dyes, [*Madras*, p. 137]—Increased importation of, par. 37.

E.

Earthenware, or *Queen's-ware*, [*Bengal*, p. 45]—Imported, par. 218.

Europe, [*Bengal*, p. 33]—Imports and exports from and to, par. 169.

Exports. See *Imports and Exports*.

F.

Flannels, [*Bengal*, p. 45]—Imported, par. 219.

Flax, [*Bengal*, p. 27]—Exports, par. 138—Its improvement should be promoted, 158.

France:

[*Bengal*, p. 51]—Commerce with, decreased, par. 238—Imports, 239—Compared with preceding year, 240—Decrease or decline in value, 241—Value of exports, 242—Detail of goods exported, 243—Fluctuations of increase and decrease in particular goods, 244—Comparison of value, 245—Tonnage, 246—Remarks on particular instances of fluctuation, 247—Import trade a loss, 248—On exports, 249.

[*Bombay*, p. 148]—Increase in imports of wines, par. 8—Decrease of exports, 9.

France, Isle of, and Bourbon, [*Bombay*, p. 149]—Trade with, par. 16, 17.

G.

Gibraltar and Malta, [Bengal, p. 60]—Trade with, abandoned, par. 270.

Gin, [Bengal, p. 46]—Imported, par. 220.

Ginger, [Bengal, p. 19]—Imports, par. 88—Exports, 89—Chief demand for the United Kingdom, 92.

Glass-ware, [Bengal, p. 45]—Imported, par. 216.

Goa, Demaun and Din, [Bombay, p. 155]—Trade with, par. 32.

Grain:

[Bengal, p. 14]—Exportation, par. 62—Company's and Private trade compared, 62 Comparative details, 63—Cases of decrease, 64—Shipping employed, 66—Least in value, but why important in other respects, 153.

Great Britain:

[Bengal, p. 34]—Shipping engaged in trade with, 170-175—Comparison of increase and decrease, 176-178—Value of imports from particular ports, 179, 180—Of exports, 181, 182—Company's and Private trade compared, 183—Imports detailed, 184—Articles increased and decreased, 185—Trade with, in cotton piece-goods and twist, carried on to too great an extent; evils to be apprehended, 237.

Greenock, [Bengal, p. 34]—Cannot sustain a reciprocal trade with India, par. 174—Imports and exports into and from Bengal, 179-182—Exports to, 227.

Gums, [Bengal, p. 26]—Imports and exports, par. 132, 133—Exports increased to the Mauritius only, 134.

Gunny and Gunny Bags, [Bengal, p. 23]—Imports, par. 115—Exports, 116.

Gunpowder, [Bengal, p. 45]—Imported, par. 208.

Guzerat, [Bombay, p. 161]—Decrease of imports; to what it may be ascribed; increase in Cashmere shawls, par. 48—Decrease of exports, 49.

H.

Hamburgh:

[Bengal, p. 56]—Trade with, all imports, par. 250—Articles, 251—Comparative increase and decrease, 252—Only one vessel traded under British flag from, at a loss, 253.

[Bombay, p. 148]—Imports and exports, par. 10.

Hardware, [Bengal, p. 44]—Imports, par. 195.

Hemp, [Bengal, p. 27]—Exports, par. 138—Its improvement should be promoted, 158.

Hides. See *Skins*.

Hull, [Bengal, p. 34]—Cannot sustain a reciprocal trade with India, par. 174—Imports and exports into and from Bengal, 179-182.

I. & J.

Java:

[Bengal, p. 75]—Trade with Bengal decreased, par. 309—Imports, 310—Fluctuations, 311—Exports, 312—Changes in the value of goods shipped, 313—Difference, 314—Deficiency owing to Dutch regulations, discouraging British shipping, 315.

Imports and Exports:

[Bengal, p. 1]—Statement of, in 1828-29, par. 1—From and to Europe, 169—Commerce with the United Kingdom, 175—Comparison of fluctuations, 177—Of Company's and Private Trade, 178—Imports from Great Britain, specifying the ports, 179—Exports, 181—Detail of articles imported, 184—Articles in which increase and decrease have taken place, 185—Exports from Bengal to the United Kingdom, aggregate value, 223—Company's and Private Trade, 224—Comparison with preceding years, 225—To particular ports, 226, 227—Detail of articles, 228—Increase, 229—Decrease, 230—Value, 231—Comparison of values and years, 232-234—Of Company's and Private Trade, 235, 236—General observations, 387.

[Madras,

Imports and Exports—continued.

[*Madras*, p. 126]—Statement of, in 1827-8, par. 3—Increase and decrease of imports, specifying articles, 8-16—Exports, 17—By sea, 22.

[*Bombay*, p. 143]—Statement of imports-general and exports-general, in 1828-29, par. 1, 2.

Indigo:

[*Bengal*, p. 5]—Imported from the interior, par. 17—Exported, 18—Purchased, 19—Details of exportation, 20—Company's and Private Trade compared, 20—Foreign imports, 22—Imports from the interior too great, 23—Principal object for investment, 146.

[*Madras*, p. 130]—Increase of exportation, par. 18.

Iron and Ironmongery, [*Bengal*, p. 44]—Increase in importation, par. 195—Unwrought iron exceeds the demand, 196.

Isles of France and Bourbon. See *France*, Isle of.

L.

Lac and Lac-dye, [*Bengal*, p. 16]—Exported, par. 72—Private trade, 72—Price, 75—Shell lac imported inland, 76—Exported, 77—Company's and Private Trade compared, 77—Likely to continue an object of investment, 155.

Lead, [*Bengal*, p. 44]—Imports, par. 202.

Lead, Red and White, [*Bengal*, p. 44]—Importation decreased; price depressed, par. 203.

Leith, [*Bengal*, p. 37]—Imports and exports into and from Bengal, par. 179-182—Exports to, 226.

Liquors. See *Wines*.

Liverpool, [*Bengal*, p. 37]—Imports and exports into and from, par. 179-182—Exports to, 226, 227.

London, [*Bengal*, p. 37]—Imports and exports into and from, par. 179-182—Exports to, 226, 227.

M.

Machinery. See *Steam-Engines*.

Madeira Wine:

[*Bengal*, p. 46]—Imported into, par. 220.

[*Bombay*, p. 149] Increased importation, par. 13.

MADRAS, Trade of, in 1828-29, page 126:

Amount of trade by sea, par. 3—Increase compared with 1826-7, par. 4—Total value below the average of four preceding years, 5—Comparison, exclusive of treasure, 6, 7—Detail of increase and decrease of imports, specifying the articles, 8-16—Exports, 17—Imports and exports by sea, 22—Vessels and tonnage, 23, 24—Internal commerce by sea, 25, 26, 27—Increase value of external and internal commerce, 31—External commerce by land, 32—Comparative abstract, distinguishing the Company's from the Private trade, 33—On an average of four years, 34—Articles of variation, 35—Various articles of trade, 37-46—Increase in dyes, opium, and cotton piece goods, 36—Increased trade by land, 47—Comparison of total value, 48—Collection of customs and duties, 50—Statement of revenue, 51.

Mahratta Provinces, [*Bengal*, p. 121]—Trade with Bengal, par. 406.

Malabar, Coast of:

[*Bengal*, p. 64]—Trade with Bengal; value of, increased, par. 279—Articles of import, 280—Fluctuations, and articles specified, 281—Exports; aggregate shipments; and articles specified, 282—Changes, and in what articles, 283—Comparative difference, and how provided for, 284—Import trade, and of what it consists, 285.

[*Bombay*, p. 154]—Statement of trade with Malabar and Canara, par. 30.

Maldivé Isles:

[*Bengal*, p. 70]—Trade with Bengal, par. 297—Imports, 298—Fluctuations in imports, 299—Exports, 300—Fluctuations in, 301—Difference in valuation of imports and exports, 302.

Malt Liquors, [*Bengal*, p. 46]—Imported, par. 220.

Malta. See *Gibraltar*.

Manilla :

[*Bengal*, p. 77]—Trade with, confined to imports, par. 316—No shipments, 318—Suspended, 319.

[*Bombay*, p. 151]—Trade with, par. 21.

Maps, [*Bengal*, p. 45]—Imported, par. 210.

Marine Stores, [*Bengal*, p. 45]—Imported, par. 205.

Mathematical Instruments, [*Bengal*, p. 45]—Imported, par. 210.

Mauritius :

[*Bengal*, p. 92]—Trade with, par. 352—Imports, 353—Articles of decrease, 354—Exports, 355—Fluctuations, 356—Difference between the imports and exports, 357.

Miscellaneous :

[*Bengal*, p. 17]—Branches of trade under that class, par. 80, 156.

[*Bombay*, p. 159]—Branches of trade denominated Subordinates, par. 44-49.

Munjeet, [*Bengal*, p. 22]—Imports and exports, par. 107, 108—Confined to Great Britain, 110.

Musical Instruments, [*Bengal*, p. 45]—Imported, par. 209.

N.

Nabob Vizier's Dominions, [*Bengal*, p. 120]—Trade with Bengal, par. 406.

Napaul and Bootain, [*Bengal*, p. 121]—Trade of, with, par. 406.

Newcastle :

[*Bengal*, p. 34]—Cannot sustain a reciprocal trade with India, par. 174—Imports and exports into and from Bengal, 179-182.

New South Wales :

[*Bengal*, p. 89]—Trade with, par. 344—Imports, 345—Changes in, 346—Exports, 347—Fluctuations in the value of goods, 348—Comparative difference; lucrative commerce in the exchange of bills, 349—Coals the only produce of the colony imported, 350.

O.

Opium :

[*Bengal*, p. 29]—Increased importation from the interior, par. 142—Decrease of exportation, 143—Details, 144—Patna and Benares opium, prices, 145.

[*Madras*, p. 137]—Imports increased, par. 38.

P.

Pegue :

[*Bengal*, p. 79]—Trade with Bengal, par. 320—Imports decreased, 321—Details of increase and decrease, 322—Exports, 323—Fluctuations occasioning their decline, 324—Imports and exports compared, 325—By what people the trade carried on, 325.

Penang and Eastward :

[*Bengal*, p. 71]—Trade with Bengal, par. 303—Value of imports, and articles, 304—Increase and decrease in various articles, 305—Aggregate exports, and articles, 306—Fluctuations in, 307—Increase of exports, 308.

[*Bombay*, p. 151]—Statement of imports and exports, and articles specified, par. 22, 23.

Persian Gulph :

[*Bombay*, p. 156]—Trade of, with, par. 36—Articles of increase and decrease, 37.

See *Arabian and Persian Gulphs*.

Portugal :

Portugal :

[*Bengal*, p. 58]—Trade with, par. 263—Value of decline, 264—Value of shipments, 265—Articles of fluctuation in increase and decrease, 266—Official and calculated value of imports and exports, 267—Shipping employed, 268—Progressive decline of the trade, 269.

Port Wine, [*Bengal*, p. 46]—Imported, par. 220.

Private Trade :

[*Bengal*, p. 1]—Compared with Company's Trade, par. 3-16, 183, 394, 403, 412—In bullion, 3, 11—Shipping, 165—Cotton, 31-36, 54-59—Gums, 62—Indigo, 20—Imports and exports to and from United Kingdom, 178—Lac, 72-77—Safflower, 68—Silk, 25, 38—Sugar, 43-46—Exports to United Kingdom, 224-236.

[*Madras*, p. 126]—Private and Company's Trade in 1828-9 compared, par. 3—In bullion, 6, 7—In cotton piece goods, 20—Exports to Bombay, 21—Imports and exports by sea, 22—Internal commerce, 28, 31—By land, 47—Total value compared, 48—Less than preceding year, 49.

[*Bombay*, p. 143]—Total amount in 1828-29 compared with preceding year, par. 1.

Putchuck, [*Bengal*, p. 26]—Increased exports to China, par. 129.

Punwell and Concan, [*Bombay*, p. 159]—Trade of, with, par. 44.

Q.

Queen's ware. See *Earthenware*.

R.

Revenue. See *Duties*.

Rum :

[*Bengal*, p. 28]—Trade in, only small shipments for stores, par. 141—Principal demand from New South Wales ; high duty on it there, 159—Imported, 220.

S.

Safflower :

[*Bengal*, p. 15]—Imported, par. 67—Exported, 68—Private trade, 68—Market value, 70—Commerce in, not likely to improve, 154.

Saint Helena, [*Bombay*, p. 149]—Trade with, par. 14.

Salammoniac, [*Bengal*, p. 21]—Increase in the trade, par. 99.

Salt, [*Bengal*, p. 45]—Imported, par. 211.

Salt Provisions, [*Bengal*, p. 45]—Imported, par. 212.

Saltpetre :

[*Bengal*, p. 12]—Imported from the interior, par. 47—Exports, 48—Increase of shipments, 49, 51—Rate of investment, 52—Increasing demand ; cheapness of production in India ; importation allowed in America, 151.

Scind. See *Cutch*.

Shawls :

[*Bengal*, p. 18]—Imported and exported, par. 80—Disagreement between quantity and value explained, 80-83—Imports from United Kingdom, 213.—See *Cashmere*.

Shell Lac. See *Lac*.

Sherry, [*Bengal*, p. 46]—Imports ; use very general, par. 220.

Ships. See *Vessels*.

Silk :

[*Bengal*, p. 7]—Imports of raw silk from the interior, par. 24—Exports, 25—Company's and Private Trade compared, 25—Comparative state of the trade, 26, 27—Rate of investment, 29—Speculations unsuccessful, 147.

Silk Piece Goods :

[*Bengal*, p. 9]—Imports from the interior, par. 37—Exports, 38—Company's and Private Trade compared, 38—Rate of investment, 41—Reduction in the trade to be expected—Corahs, or unbleached silks, 149—Imported from Great Britain, 187.

Skins and Hides, [*Bengal*, p. 20]—Imports, par. 96—Exports, 97.

Soap, [*Bengal*, p. 24]—Increase of trade in, par. 121.

South America, Western Coast :

[*Bengal*, p. 100]—Trade with, par. 382—Imports increased, 383—Details of, 384—Exports, 385—Comparison; trade may be extended, but liable to interruption, 386.

Spelter :

[*Bengal*, p. 43]—Decreased importation, par. 191—Have been too abundant, and sale not likely to improve, 192.

Stationery, [*Bengal*, p. 45]—Imported, par. 217.

Steam-Engines :

[*Bengal*, p. 46]—Imported; decreased in value, par. 221—But use of machinery gaining ground, 222.

Sugar :

[*Bengal*, p. 11]—Imports from the interior, par. 42—Exports, 43—Company's and Private Trade compared, 43—Increase and decrease stated, 44, 45—Rate of investment, 46—Extensive undertakings contemplated, 150.

Sumatra, Coast of :

[*Bengal*, p. 69]—No direct trade with Bengal, par. 292—Imports and exports, 293, 294—Trade nearly abandoned, 295—Articles of trade, 296.

Surat, [*Bombay*, p. 160]—Trade with; decrease in imports, par. 46—In exports, 47.

Sweden :

[*Bengal*, p. 57]—Trade with, par. 254—Imports, 255—Chiefly iron, 256—Out-turn advantageous, 257—Exports increased, 258—Articles of increase, 259—Of decrease, 260—Difference of official value, 261—Shipping employed, 262.

T.

Tin Plate, [*Bengal*, p. 45]—Imports, par. 204.

Tincal and Borax, [*Bengal*, p. 21]—Imports and exports, par. 103, 104.

Tobacco :

[*Bengal*, p. 25]—Increase of imports from interior, par. 125—Exports, 126—Details of increase, 127—Its cultivation important, 157.

Tonnage, [*Bengal*, p. 32]—Rates of, to England, par. 167.—See *Vessels*.

Trade :

[*Bengal*, p. 51]—Carried on with Great Britain to too great an extent; evils to be expected, par. 237.

Treasure and Bullion. See *Bullion*.

Turmeric :

[*Bengal*, p. 20]—Inland imports, 93—Exports, par. 94—Shipments chiefly to Europe and America, for purposes of dyeing, 95.

Twine, [*Bengal*, p. 27]—Exports, par. 138—Its import should be promoted, 158.

U.

United Kingdom :

[*Bengal*, p. 35]—Gross value of commerce with, par. 175—Aggregate value of exports to, 223—Company's and Private Trade, 224—Compared with preceding year, 225—To London, Liverpool and Leith, 226—Detail of articles exported to, 228—Increase of particular articles, 229—Decrease, 230—Value of exports to, 231—General trade carried to too great an extent, and beyond demand; evils apprehended, 237.

[*Madras*, p. 131]—Exports, par. 21—Imports, 22.

[*Bombay*, p. 146]—Statement of exports and imports, from 1813-14 to 1828-29, par. 5—Decrease of imports, 6—Increase of exports, 7.

United States. See *America*.

V.

Vessels and Tonnage :

[*Bengal*, p. 32]—Amount employed in that trade in 1828-9, par. 162—Fluctuations in arrivals, 163—In departures, 164—With Great Britain, 165—Coasting trade, 166—Rates of tonnage, 167—Comparative statement, 168.

[*Madras*, p. 133]—Amount employed in each port, 23—Employed in foreign trade, specifying the ports, 24.

See *Tonnage*.

Vin de Grave, [*Bengal*, p. 46]—None imported, par. 220.

W.

Wearing Apparel, [*Bengal*, p. 45]—Imported, par. 214.

Wines and Liquors, [*Bengal*, p. 46]—Aggregate quantity imported, par. 220.

Woollens, [*Bengal*, p. 45]—Imported, par. 219.

APPENDIX

TO THE

R E P O R T

ON THE

A F F A I R S

OF

THE EAST INDIA COMPANY.

IV.

ADMINISTRATION OF MONOPOLIES.

Opium and Salt.

Ordered, by The House of Commons, to be Printed,
11 October 1831.

L I S T. ---

COPIES or EXTRACTS of all DESPATCHES sent to INDIA by the COURT of DIRECTORS, since the passing of the Act 53 Geo. III. c. 155, relative to the continuance and administration of the OPIUM MONOPOLY; and of the Proceedings had thereupon.

OPIUM:

No.	Page.
1.—DESPATCH from the Secret Committee of the Directors of the East India Company to the Right Hon. the Governor General in Council at Fort William; dated 10 May 1816	1
2.—DESPATCH from the Governor General in Council at Fort William to the Secret Committee of the Directors of the East India Company; dated 11 October 1816	- - 2
3.—DESPATCH from the Governor General in Council at Fort William to the Court of Directors of the East India Company; dated 20 February 1816	- - - 5
4.—EXTRACT LETTER from the Court of Directors of the East India Company to the Governor General in Council in Bengal; dated 24 October 1817	- - - 9
5.—DESPATCH from the Court of Directors of the East India Company to the Governor General in Council at Fort William; dated 27 January 1819	- - - 11
6.—EXTRACT LETTER from the Court of Directors of the East India Company to the Governor General in Council in Bengal; dated 8 August 1821	- - - 12
7.—EXTRACT LETTER from the Court of Directors of the East India Company to the Governor General in Council in Bengal; dated 30 January 1822	- - - 12
8.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 11 July 1827	- - - 18
9.—EXTRACT LETTER, in the Separate Department, from the Court of Directors, to the Governor General in Council in Bengal; dated 21 January 1829	- - - 20
10.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 16 September 1829	- - - 23
11.—LETTER from the Governor General in Council in Bengal, in the Political Departments, to the Honourable the Court of Directors; dated 10 July 1829	- - - 26
ABSTRACT of Correspondence regarding Malwa Opium, from the year 1818 to the year 1828; in Two Parts	- - - 26
RESOLUTION of the Governor General in Council, in the Political Department; dated 19 June 1829	- - - 42
12.—LETTER, in the Separate Department, from the Governor General in Council in Bengal to the Court of Directors; dated 3 August 1830	- - - 43
13.—LETTER from the Governor General in Council in Bengal to the Honourable the Court of Directors, &c.; dated 21 September 1830	- - - 55

LIST—*continued.*

OPIMUM—*continued.*

No.	Page.
14.—EXTRACT LETTER, in the Separate Department, from the Governor General in Council in Bengal to the Court of Directors; dated 27 July 1830	60
15.—EXTRACT LETTER, in the Separate Department, from the Governor General in Council in Bengal to the Court of Directors; dated 31 August 1830	60

COPIES or EXTRACTS of all DESPATCHES sent to INDIA by the COURT of DIRECTORS, since the passing of the Act 53 Geo. III. c. 155, relative to the continuance and administration of the SALT MONOPOLY; and of the Proceedings had thereupon.

S A L T :

16.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 9 November 1814	60
17.—EXTRACT LETTER, in the Separate Department, from the Secret Committee of the Court of Directors to the Governor General in Council at Fort William in Bengal; dated 10 May 1816	63
18.—EXTRACT LETTER, in the Separate Department, from the Governor General and Council in Bengal to the Secret Committee of the Court of Directors; dated 11 October 1816	63
19.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 24 October 1817	64
20.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 8 August 1821	65
21.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 17 November 1826	71
22.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 11 July 1827	72
23.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 10 June 1829	73
24.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 4 November 1829	74
25.—EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in Bengal; dated 23 February 1831	76

(*continued.*)

LIST—*continued.*SALT—*continued.*

No.	Page.
26.—LETTER, in the Separate Department, from the Governor General in Council in Bengal to the Court of Directors; dated 8 December 1829 - - - - -	79
27.—EXTRACT LETTER, in the Separate Department, from the Governor General in Council in Bengal to the Court of Directors; dated 1 October 1830 - - - - -	93
LETTER from the Board of Customs, Salt and Opium, to the Governor General in Council; dated 21 January 1830 - - - - -	93
STATEMENT, exhibiting the Clearance, &c. of Salt from the Golahs of the several Agencies, for the Month of December 1829, compared with the Clearances for the Month of December 1828 - - - - -	96
STATEMENT of the Quantity of Salt cleared from the Agency and Sulhea Golahs, from 1 January to 31 December 1828, and from 1 January to 31 December 1829; with a MEMORANDUM of the Total Quantity of SALT Sold, but remaining Uncleared, up to 31 December 1828 and 1829 - - - - -	97
LETTER from H. M. Parker, Esq. Acting Secretary to the Government, to the Board of Customs, Salt and Opium; dated 16 February 1830 - - - - -	97

A P P E N D I X

TO

Report on the Affairs of The East India Company.

IV.

ADMINISTRATION OF MONOPOLIES.

Opium and Salt.

(Secret.—Salt, Opium, &c.)

— No. 1 —

DESPATCH from the Secret Committee of the Directors of the East India Company to the Right Honourable the Governor General in Council.

Fort William, Bengal, 10th May 1816.

Para. 1. OUR last Despatch from this Department was dated the 30th April 1816.

IV.
Administration of
Monopolies.
Opium.

2. We are now about to reply to the Letter addressed by Mr. Secretary Trotter to our late Secretary, dated the 26th July 1814, transmitting copy of your correspondence with the Acting Resident at Fort Marlborough and the Company's Advocate-General, on the subject of Opium.

3. The revenue derived from Opium and Salt which, at different times, has been realized by different means, has always been of so great importance that we entirely approve of the attention which you have paid to this subject. It certainly never was the intention of the Legislature, in opening the trade with India to the public at large, to endanger a revenue of about £.2,000,000. sterling per annum.

4. The interpretation given by Mr. Strettel to the 6th section of the 53d Geo. III. c. 155, in his letter of the 19th July 1814, is confirmed by the opinion of the highest legal authorities in this country, we are advised by the above mentioned authorities, that we cannot, consistently with the provisions of the Act above referred to, *prohibit* the importation of Turkey Opium into our territories; but that it is competent for us to impose such a duty on the importation of Opium, as shall protect the revenue derivable from that article against the injury which it would sustain from the supply of the same article of foreign growth, at the present rate of duty.

5. Under the provision contained in the 53d George III. c. 155, s. 25, all regulations for imposing any new or additional duties upon the export, import or transit of goods in the Company's territories framed in India, must be transmitted for the approbation and sanction of the authorities at home, previously to their promulgation. We accordingly direct you forthwith to prepare and transmit to us a regulation, imposing such a duty on the importation of foreign Opium into any of the Ports and Settlements under your Presidency, as shall operate as a protection to our Opium Revenue, by which regulation it should be provided that the Merchants shall be at liberty to deposit such Opium in the warehouses of the Government, previously to the payment of the duty; but that no such Opium shall be removed from thence until the duty be paid.

6. The price of the best Turkey Opium in the London market is at present 13s. per lb., free of duty; and under the Bonding Act, it may be imported here, and afterwards exported without paying any duty.

320. D.

B

7. It

IV.
Administration of
Monopolies.
Opium.

entire vessels.

7. It being quite clear that the China Trade is reserved exclusively to the Company by virtue of the 53d George III. c. 155, s. 2, no British subject can trade thither without the license of the Company in its commercial capacity. The Company have therefore an indubitable right to withhold a license to carry Turkey Opium, or any other article to China.

8. The 54th George III. c. 34, s. 2, has reserved to the Government in India, the power to frame such regulations, provisions and restrictions for the conduct of the trade from port to port in India, as may from time to time be deemed expedient; so that the importation and exportation of Opium in the country trade, may be legally interdicted.

9. It is not in our power to prevent, nor can the British Legislature prevent Turkey Opium from being carried to the Eastern Isles and to China, because though the trade in that article were altogether prohibited to British subjects, it would still be open to foreign nations to engage in it. We desire, however, that you will watch the progress and course of this trade, and report to us from time to time your information and sentiments respecting it.

10. Under the 53d George III. c. 155, s. 6, *Salt* may be legally exported from this country to India; and as any of His Majesty's subjects proceeding in ships navigated according to law upon a voyage to the East Indies, are permitted by the 54th George III. c. 34, to touch and trade at the Cape de Verd Islands, where Salt may be procured at a very low price, we think it necessary to instruct you to take immediate measures for the protection of our Salt Revenue. With this view, we direct that you will lose no time in preparing and transmitting home for our sanction, a regulation imposing such a rate of duty on the *importation of all foreign Salt*, as shall have the effect of securing the revenue derived from that article. By which regulation it should be provided, that the merchants shall be at liberty to deposit such Salt in the warehouses of the Government, previously to the payment of the Duty, but that no such Salt shall be removed from thence, until the Duty be paid.

11. We desire that in framing both the Opium and Salt Regulations, you will consult with your law-officers, with the view of preventing any legal difficulties in the way of their obtaining the sanction of the authorities in this country.

12. We fully rely on your active and zealous co-operation, on an occasion where the public interests are so deeply concerned, and trust that you will lose no time in carrying our directions into effect.

We are,

Your affectionate friends,

(signed)

Thomas Reid.
John Bebb.

East India House, London, }
10th May 1816. }

P. S. Copy of a Circular Letter to the Government of Fort St. George, Bombay and Prince of Wales Island, on the subject of the foregoing Despatch, is sent a number in the packet.

(signed)

T. R.

J. B.

— No. 2. —

To the Honourable the Secret Committee of the Honourable the Court of Directors, for affairs of the Honourable the United Company of Merchants of England trading to the *East Indies*.

HONOURABLE SIRS,

Territorial Department, 11 October 1816.

WE have the honour to acknowledge the receipt of your Despatch, under date the 10th May last, communicating your sentiments on the means possessed by the Honourable Company and their several Indian Governments of guarding the revenue derived from the exclusive manufacture and sale of Salt and Opium, and conveying your directions that we should prepare and transmit to you Regulations imposing such duty on the importation of Foreign Salt and Opium, as shall have the effect of securing the revenue derived from those articles.

2. On

2. On the receipt of your Honourable Committee's Despatch, we lost no time in communicating with our Advocate General on the subject, and we have now the honour to transmit, for the sanction of the Honourable Court, and the approbation of the Board of Control, Drafts of regulations prepared for the above purpose, in conformity with your directions.

3. Your Honourable Committee will observe, that the rate of duty imposed on the importation of these articles, is higher than what might appear requisite with reference merely to the prices at which merchants trading direct from England could afford to import them respectively.

4. We deem it therefore proper to explain that our Advocate General, Mr. Strettell, entertains great doubts of the authority of your Indian Governments, or of the Honourable Court, to interdict the importation and exportation of Opium in the country trade, an authority which, in the 8th paragraph of your Despatch, you state to be possessed by them.

5. Mr. Strettell's sentiments on this subject will hereafter be more fully communicated to you when the Report which we expect from that officer shall have been received. In the mean time, it has appeared to us advisable that such a duty be imposed on the importation of Salt and Opium as shall secure the exclusive trade in those articles from all interference whatsoever.

6. We had anticipated the suggestion contained in the 7th paragraph of your Despatch, having already, on occasion of the importation at this Presidency of a quantity of Turkey Opium, (to which we alluded in the 16th paragraph of our Financial Despatch of the 28th June last,) given directions for inserting in the licenses to trade in China, a condition that such license shall be void, in case any foreign or other Opium than Opium sold by the Company at their public sale in Bengal, be laden on board the ship in any part of the voyage, or be imported into China on board of it.

7. In that Despatch we intimated our intention not to renounce, without a decision of the Supreme Court, the right of this Government to bring the Opium imported here to confiscation.

8. Under the communication, however, conveyed to us in your Honourable Committee's Despatch, we have judged it proper to forbear from the legal proceedings which we had determined to institute.

9. We entirely coincide in the opinion expressed by your Honourable Committee, that it never could have been the intention of the Legislature, in opening the trade with India to the public at large, to endanger so important a branch of our finances as that which is derived from the exclusive trade in Salt and Opium.

10. We feel scarcely less confident that the Legislature would not have hesitated to give its express sanction to those rules which have been enacted by the local Indian Governments for the regulation and security of those branches of our resources. The prosperity of the Revenue of India can hardly be considered as of less importance in a national point of view, than that of the more immediate resources of the Mother Country, and the jealousy under which the former system of Indian Government might have operated to prevent any legislative sanction being given to the exclusive trade in Opium and Salt can hardly be anticipated, when that trade is expressly separated from the commercial concerns of the Company, and its profits exclusively appropriated as a territorial branch of Revenue.

11. We, at the same time, deem it right to state to your Honourable Committee, that under the present system of the Indian Government, the revenue in question cannot be considered to be fully secured without some legislative sanction of the British Parliament, to the rules enacted in regard to it by the local Governments.

12. Your Honourable Committee will best be able to judge of the expediency of making application to Parliament for that purpose.

13. We shall transmit copies of the drafts of the Regulations which accompany this Despatch, to the Governments of Fort St. George, Bombay and Prince of Wales Island, who will of course frame, with reference to these drafts, their

IV.
Administration of
Monopolies.
Opium.

respective Regulations, introducing at the same time into the Rules enacted by them, such modifications as local circumstances may call for.

14. It will then, we think, be expedient that they should at once transmit the drafts of the Regulations prepared by them, for the sanction of the Honourable Court, and the approbation of the Board of Commissioners, without further reference to this Government.

15. By these means, the delay which must have resulted from a literal adherence to the course prescribed by your Honourable Committee, will be avoided; and at the same time any inconsistency in the measures of our respective Governments sufficiently guarded against.

16. At none of these Presidencies indeed does any exclusive manufacture or trade in Opium exist, so that the rules passed by these several Governments, as far as respects the importation of this article, will have for their object solely to secure from competition the Opium purchased at the Calcutta sales; but we are not aware that any material deviation from the course which we have pursued, will on that account be requisite.

17. On this principle we have prepared the accompanying Regulation, imposing such a duty on the importation of Opium, not being Bengal Opium, into any of the ports or places dependent on Fort Marlborough, as shall secure the Opium sold at the public sales in Calcutta from all competition at that place.

18. Your Honourable Committee are aware, that Regulations for Bencoolen have from time to time been enacted by this Government.

19. We think it proper, however, to notice, that having occasion to enquire into the circumstances in which that settlement stands in respect to the Supreme Government, some doubts have arisen in regard to its being in a strict legal sense, a factory subordinate to Bengal.

20. No trace can be found on our records, of any order, making the settlement of Fort Marlborough a factory subordinate to this Presidency, having been issued by the Honourable the Court of Directors, subsequent to the passing of chap. 29, of the 42d of the King, by which Act they were authorized to do so.

21. The Court having in fact carried the measure into effect before the passing of the Act above-mentioned, may have naturally omitted to issue any further directions on the subject subsequent to that date.

22. This defect in form might, however, throw some doubt over the validity of the Regulations passed by this Government, particularly one of the nature of that now transmitted.

23. But as it may, if necessary, be rectified by the Honourable Court, previously to their transmitting this Regulation again to Bengal, and as practically the question is but little likely to arise, we have not considered it as a sufficient reason for delaying the preparation and transmission of the Regulation.

24. With respect to *Salt* no Regulation, we believe, will be required either at Prince of Wales Island or Fort Marlborough.

25. How far the different circumstances under which a revenue is drawn from Salt at Madras and Bombay, may render necessary, in the Rules framed in those Presidencies respectively, some deviation from the draft now framed by us, the Governments of those Presidencies will, of course, best be able to judge; and we do not conceive that any material advantage would result from a reference to this Government, on account of variations arising from such a cause.

We have the honour to be,
Honourable Sirs,
Your most faithful humble servants,

(signed) *Moir.*
N. B. Edmonstone.
Arch^d Seton.
G. Dowdeswell.

Fort William,
11th October 1816.

To the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.

IV.
Administration of
Monopolies.
Opium.

HONOURABLE SIRS,

Separate Department, 20th February 1816.

THE last Letter to your Honourable Court in this Department was addressed to you by the Honourable the Vice-President in Council, under date the 7th October last.

2. With reference to the communication contained in paragraph 144 of the above-mentioned Despatch, we have now the honour to convey our sentiments on the question regarding the means best calculated for the improvement of the Department of Opium, as respecting the provision of the drug, the prevention of the illicit manufacture and sale of it, and the attainment of a revenue from the internal sale and consumption of the article.

3. Your Honourable Court will find inclosed a number in the packet, copies of a Letter received from the Board of Trade, dated the 28th July last, and of the Minute referred to in it, in reply to the reference made to them on the subject; also copies of the Minutes recorded on the occasion by Mr. Dowdeswell, the Honourable the Vice-President, and Mr. Seton.

4. Your Honourable Court will perceive, on perusal of the Minute of the Board above-mentioned, that the more prominent features of the plan suggested by them in answer to our reference, are reducible to the three following propositions, vizt ;

- 1st. That the agency of Behar be formed into two separate divisions, to be denominated respectively the Agency of North and South Behar, the river Ganges forming the boundary between the two agencies :
- 2d. That the Southern Division, as much the larger of the two, be held by the present agent, and that the Northern Division be placed under the management of another covenanted servant ; and,
- 3dly. That the present assistant to the agent in Behar should remain attached to, and reside at the larger agency of Southern Behar, but that he should at the same time be subjected to the performance of occasional duties in North Behar, upon the requisition of the agent of that division.

Consultation,
31st Oct. 1815.

5. After mature deliberation we observed to the Board, in answer to their Letter, that the plan submitted by them with a view to meet the important objects above noticed, merely provided that there should be two separate and independent agencies instead of one, and without further augmentation of the number of European Officers, that a single assistant might be subject to the call of both agents. But after weighing this plan with all the attention due to the judgment and experience of the Board, we could not anticipate any substantial advantage from the adoption of it.

6. Without entering into any discussion of the merits of the plan proposed by the Honourable the Vice-President in Council, under date the 7th of March, the Board appeared to have only suggested another, which seemed to resolve itself into little more than a mere division of labour and responsibility.

7. We remarked to the Board, that of the essential benefits arising from an authoritative superintendency over subordinate agents in other departments, Government had the most abundant proofs. In fact it is a practical principle which pervades the whole economy of human affairs, and that is the principle which it was proposed to introduce into the very important Department of the provision of Opium.

8. In the plan recommended by the Board, however, that principle appeared to be lost sight of. It has never been urged that the business of the Sudder or principal Station was too heavy on the footing on which it was conducted ; and even supposing that the division of the agency into two parts might afford the agents greater leisure to superintend the conduct of the business in the Mofussil,

IV.
Administration of
Monopolies.

Opium.

the relief thus afforded would, it is conceived, be quite insufficient for the exercise of that active, vigilant and unremitted control which should pervade this branch of the business.

9. The object in view might, perhaps, to a certain extent have been attained, had the agency been divided into two equal, or nearly equal parts, but this was by no means the case; one division standing nearly in the proportion of two-thirds to the other. But, however the agency might be divided, it must be supposed that the time and attention of the agents would necessarily be in a great degree occupied at the Sudder Station, a scheme of things utterly at variance with that improved system of management contemplated in the Minute of the Vice-President in Council, dated the 7th March last, a copy of which accompanied our separate general Letter of the 7th October following. On that part of the Board's plan which suggests that a single assistant should be rendered subject to the authority of both agents, we observed that the objections to it were too obvious to require much illustration. If the illicit practices which heretofore existed could not be restrained by the exertions of a single assistant, acting under the guidance of the Opium Agent, we could not possibly anticipate any such effects from them, when his attention should be distracted by the jarring and irreconcilable instructions of two distinct and independent authorities.

10. The heavy expense to which the Government would be exposed by the adoption of the plan proposed by the Board on account of Public Buildings, formed another subject of consideration. It was admitted by the Board, that the buildings attached to the Opium Department at Patna, are the largest in the country; but though capacious, they are scarcely adequate to the purposes for which they are required. Hence a judgment may be in some degree formed of the expense to which Government would be subject, were a separate and independent agency established in North Behar.

11. Another objection arose likewise to the plan proposed by the Board, according to the data assumed, the allowances of the agent in the Northern Division of Behar, would amount to Rs 28,661 per annum. This, or even less than this, might be sufficient for a person acting under the immediate directions and control of a local superior, but it was conceived to be insufficient for the head of an office entrusted with the discharge of functions of great pecuniary responsibility in a distant part of the country, and acting under no other control than what can be exercised by the Board of Trade at the Presidency; although the Governor-General in Council fully concurred in the sentiments expressed in the Resolution of the Honourable the Vice-President in Council, regarding the scale of the agent's allowances, it is perfectly consistent with that opinion to observe, that the principal executive officers of this department should be paid with more than ordinary liberality.

12. On these and other grounds which might be urged, we were induced, after an attentive review of the whole of the proceedings recorded on the subject of the future management of the business of the Opium Department, to concur in the opinion expressed in the resolution of the 7th March, that the objects in view would be best promoted by the appointment of deputies or subordinate agents in North and South Behar respectively, whose primary duty should be to restrain illicit practices in the growth and vend of Opium in the different villages and factories. This duty demands, in addition to strict integrity, great mental and bodily activity. Any plan which does not provide for the discharge of it on a regular and permanent footing will, in our judgment, prove delusive; at the same time we conceived it to be highly desirable that the officers employed in the Opium Department should be paid in the shape of commission, and of rewards on seizures, in order that, by combining the prospect of immediate advantage with the hopes of promotion, and the establishment of a high official character, Government might derive every possible benefit from the zeal, the skill and activity of the new functionaries.

13. In communicating the foregoing observations to the Board of Trade, they were informed that in pursuance of the principles above explained, the following resolutions, founded on the Minute of the Honourable the Vice-President in Council, under date the 7th of March, had been adopted by us; and we requested them

them to prepare the necessary legislative provisions, and to submit the draft of the Regulation for the consideration of Government as early as possible.

IV.
Administration of
Monopolies.

Opium.

That the department of Opium be continued as heretofore, under the general authority of the Board of Trade.

That the superintendence of the provision of Opium in the province of Behar, be vested in an agent, aided by a deputy, in North and South Behar respectively, and by an assistant to be employed in the performance of such duty as the agent may judge necessary, either at the principal station, or at any of the subordinate factories.

That it shall be the duty of the deputies within the local limits established for the exercise of their official duties, to make advances to the Ryots for the manufacture of Opium, to superintend the receipt of the drug, to control the native establishments maintained within such limits, and especially to prevent the illicit culture of the Poppy, and the unauthorized manufacture and vend of Opium.

That it shall be the duty of the agent to furnish the Board of Trade with an Annual Report upon the state of the agency, founded on the information obtained from the deputy agents, and such local inquiries as he may deem it necessary to make in person.

That the commission of the superintendent shall be adjusted to such rate as may yield to him, including rewards on seizures, from 50,000 to 60,000 rupees per annum, and that the salary at present received by him shall be discontinued.

That the allowances of the two deputies shall be also paid in the manner above-mentioned, and be so fixed that they may receive as follows :

The first deputy from 18,000 to 24,000 rupees per annum ; and

The second ditto from 12,000 to 18,000 ditto ditto.

That the agent and deputies be authorized to receive such portion of the commission in advance, as they may respectively require for their current expenses, not exceeding, however, a moiety of the computed amount of such commission.

That the assistant shall be allowed 500 rupees per mensem, with the usual deputation allowances on his employment in the Mofussil.

That the Board enter, as soon as circumstances will permit, on a consideration of the large establishments at present maintained in the Opium Department, and that they report what retrenchments or modifications those establishments may appear to require for the conduct of the manufacture on account of Government, and for the prevention of illicit growth, manufacture and vend. That the Board shall, in like manner, report what part of those establishments should be placed under the orders of the agent and of his deputies respectively.

That an agency be established (as already directed) for the provision of Opium exclusively on account of Government, in the district of Rungpore, that such agency be united with the Office of Commercial Resident at that Station, and that the Board report the rate of commission, which they may deem an adequate remuneration for his responsibility and trouble. That the produce of the Rungpore Agency be reserved exclusively for internal sale and consumption.

That the superintendence of the internal sale of Opium be vested in the Board of Revenue, under rules similar to those established for the sale of spirituous liquors, intoxicating drugs, &c. ; and that the Board of Revenue be accordingly instructed to co-operate with the Board of Trade, in framing the general regulation now required regarding this important branch of the public resources.

14. The Board has also been informed, that the rules for the conduct of the officers employed in managing the retail sale of the Opium, should clearly define that the object of Government, in interfering in the traffic, was more with a view to control the use of an article which is so prejudicial to the morals of the people, and to the interests of society in general, than with a desire of increasing the revenue by an extensive sale of it ; and that the superior means which Govern-

IV.
Administration of
Monopolies.
Opium.

ment will in future possess of regulating and restricting the retail sale of Opium, when conducted under the immediate superintendence of its own officers will, it is hoped, not only prevent illicit traffic in the article, which notoriously exists, but gradually reduce the excessive use of the drug, which is now known to prevail, the object of course being to confine the consumption of it to medicinal purposes.

That with a view to prevent the illicit manufacture and vend of Opium, those persons who may be detected in these practices shall be fined, and be imprisoned for a period of twelve months.

That in addition to the agent and his deputies, and the commercial residents at Ghazupore and Rungpore, it shall be the duty of all the collectors and deputy collectors of Customs, as well as of the superintendents of salt chokies, to assist in suppressing illicit traffic in Opium; and that all contraband Opium which may be seized, shall be valued at ten rupees per seer of eighty sicca weight, one-half of the amount of which shall be paid to the officers of Government, and the other half to the officers employed in the seizure.

15. It was at the same time intimated to the Board, that from the foregoing outline, they would observe that it was not at present intended to make any alteration with regard to the Opium agency established in the province of Benares, but that it would be a subject for future consideration, whether arrangements, analogous to those ordered to be established in Behar, should not be likewise extended to Ghazupore. In the mean time we remarked that the communications received from Mr. Sweedland, were not calculated to impress Government with the belief that he possessed that minute and local knowledge of the state of the agency intrusted to his care, which was essential to the prevention of illicit culture, manufacture and sale; and that had he possessed such information, he would have experienced no difficulty in furnishing the sketch of the situation of his subordinate factories as required by the Board, in their Letter to him referred to in the fourth paragraph of their Minute; the Board were accordingly desired to repeat their application to the agent for a map of the description of that above noticed, and for such other local information as might appear to be best calculated to enable them to judge whether the business generally, in the Mofussil, was superintended with that active personal vigilance, by which alone the illicit growth, manufacture and vend of the article, could be prevented.

16. It was further stated to the Board, that under the arrangements proposed to be established, we did not deem the extension of the Behar agency to Mougher, as recommended by them in the nineteenth paragraph of their Minute, to be advisable; that the establishment of the Rungpore agency was founded, in a great measure, on the experienced difficulty, not to say impossibility, of preventing the growth of the poppy in that district; that its produce would probably be sufficient for the internal consumption of the country in general; and the produce of the provinces of Behar and Benares prove on the other hand, in all likelihood, fully sufficient for foreign sale under the present arrangements, and such as might be eventually established in the Ghazupore agency. At all events, we remarked that the utmost circumspection should be observed in augmenting the supply, and that of course the revenue could only be improved, or even maintained at its present standard, by adapting the annual stock to the demand for it in the home and foreign markets respectively.

We have the honour to be,

Honourable Sirs,

Your most faithful humble Servants,

(signed)	<i>Moir.</i>	<i>N. B. Edmonstone.</i>
	<i>Arch. Seton.</i>	<i>G. Dowdeswell.</i>

Fort William,
20 February 1816.

—No. 4.—

EXTRACT LETTER in the Separate Department, from the Court of Directors, to the Governor in Council in *Bengal*, dated 24th October 1817.

Para. 75. The sentiments expressed in Paragraphs 21 to 27 of our Despatch from this Department, dated the 18th September 1816, will have prepared you to expect our approbation of the measures adopted by you for the purpose of supplying, from the Government Stores, a quantity of Opium for the internal consumption of the country. We wish it, at the same time, to be clearly understood, that our sanction is given to those measures, not with a view to the revenue which they may yield, but in the hope that they will tend to restrain the use of this pernicious drug; and that the Regulations for the internal sale of it will be so framed, as to prevent its introduction into districts where it is not used, and to limit its consumption in other places, as nearly as possible, to what may be absolutely necessary.

LETTER from the Governor General in Council, to the Court of Directors, dated 7th October 1815.

(135 to 144) State the measures which have been adopted for supplying a quantity of Opium for the internal consumption of the country, and refer to the more comprehensive arrangements which are under consideration, with the view of augmenting the provision of Opium for foreign commerce, of preventing illicit manufacture and sale, and of deriving a revenue from the internal sale and consumption of the article. Paras. 1 to 16, of Letter, dated 20th February 1816, where the same subject is continued.

76. The provision of Opium in Behar, having fallen short in 1813 and 1814, of the supply required for exportation, we concur in the expediency of your having, in the first instance, appropriated to internal consumption the confiscated Opium at your disposal, and the twenty-six muster chests which had been allowed to accumulate since 1797-8, in the Godowns at the Presidency.

77. With respect to the means of providing a future and permanent supply for internal consumption, we are of opinion that the principle ought to be invariably adhered to, not to introduce the culture of the poppy into any district where it has not hitherto obtained, but that the provision should be increased, either by improved management in those parts of the country where agencies are already established, or by the introduction of Government agency into districts where the plant is known to be cultivated for the purposes of clandestine trade. In conformity with this principle, we entirely approve of your having rejected the proposition of the agent in Behar, to establish a factory at Monghyr, a district in which it does not appear that the poppy is cultivated. On the other hand, in authorizing the provision of Opium to be revived in Rungpore, where every endeavour to prevent the illicit cultivation of the poppy is stated to have proved ineffectual, the only object is (and it is surely a fair one) to substitute an allowed, instead of an illegal proceeding, to restrain an evil which cannot be repressed; to place under regulation a habit of indulgence from which the people cannot be wholly weaned and to employ taxation less as an instrument of raising a revenue, than as a preservative of the health and morals of the community.

78. We regret the failure of the steps taken in 1815, by the Commercial Resident at Rungpore, for collecting the Opium illicitly cultivated in that district, and in Dinagepore. Although the cultivation of the poppy in those districts was estimated (probably much too highly) to have been carried to the extent of 10,000 beegahs of land in that season, which ought to have yielded about 900 chests, or 1,800 maunds of Opium, the whole quantity expected to be collected by Mr. G. Monckton, did not exceed thirty maunds, and this was procured at the heavy expense of Rupees 80 per maund.

79. We are satisfied, from a perusal of the Papers now before us, as well as of those which accompanied your Letters of the 23d June and 29th November 1814, that there is no occasion whatever to extend the poppy cultivation in the territories under your government, in order to procure a supply of Opium completely adequate to purposes both of exportation and of internal consumption; but that your endeavours should be confined to the collection, on account of Government, of the Opium now manufactured, and which in part finds its way into consumption through illicit channels. Besides the large quantity of land which, as already noticed, is appropriated to the illicit cultivation of the Poppy in Rungpore and Dinagepore, the agent in Behar estimates* that there may be from 600 to 800 maunds annually smuggled from that province. In another Letter,† the agent reports that the illicit cultivation of the poppy is carried on in the district of Purneah, to the extent of 700 or 800 beegahs in the course of the year. The agent at Benares, also states,‡ that though smuggling is not carried on to

* Letter, dated 21st Nov. 1814.

† Letter, dated 26th April 1815.

‡ Letters, dated 11th May and 27th Dec. 1815.

IV.
Administration of
Monopolies.
Opium.

* Letter, dated
21st Nov. 1814.

† Letter, dated
23d August 1815.

any considerable extent from that agency, yet that it is clandestinely conveyed in certain quantities down the Ganges to Dacca and Chittagong, and he describes it as *a growing mischief*. It was suggested, both by the Agent in Behar,* and the Commercial Resident in Rungpore,† to increase the fine, in cases where Opium is seized, from four to eight rupees per seer. We see no objection to this increase, and to extending the period of imprisonment from six months to a year, in cases of failure on the part of the offenders to pay the fine; but in regard to another proposition of the Agent in Behar, that the smugglers of Opium should be confined in the Fouzdarry instead of the Dewanny jail, we entirely agree in opinion with your Board of Trade, that no financial advantage derivable from such a measure could compensate for the evil of associating persons of this description, with culprits imprisoned for heinous offences.

80. As connected with this branch of the subject, we cannot suffer to pass without notice the censurable proceeding of Mr. Philip Monckton, on the 23d December 1813, upon an application made to him by the Agent in Behar, to dispose of complaints which had been for some time pending in the Zillah Court of Purneah, on account of the illicit cultivation of Opium; and we desire that you will signify to Mr. Monckton our displeasure with his conduct on that occasion.

81. We have considered, with attention, the general arrangements reported in your Letter of the 20th February 1816, to have been resolved on, after a good deal of discussion, for the purpose of improving the Opium revenue. The Opium provision in Behar has hitherto been conducted by an agent and assistant; the former of whom has received allowances averaging per annum, R^s 80,112
and the latter - - - - - 9,600

Making a total of - - - R^s 89,712

82. The following are the most prominent features in the new arrangement, which was sketched in a Minute of the Vice-President in Council, recorded on your consultations of the 28th March 1815, and finally agreed upon in September of that year: That the superintendence of the provision of Opium in Behar, shall be vested in an agent, aided by a deputy in North and South Behar respectively, and by an assistant, to be employed in the performance of such duty as the agent may judge necessary, either at the principal station or at any of the subordinate factories. It is proposed to reduce the agent's allowance from 50,000 to 60,000 rupees per annum; to fix the first deputy's allowances at from 18,000 to 24,000 rupees, those of the second deputy at from 12,000 to 18,000 rupees per annum, and to grant the assistant a salary of 500 rupees per mensem, with the usual deputation allowance when employed in the Mofussil; the superintendent and two deputies to be paid by a regulated commission: the Opium provided in the Behar and Benares Agencies, to be reserved exclusively for exportation, and that provided in Rungpore by the Commercial Resident, to be appropriated to internal sale and consumption, under regulations to be framed by the Board of Revenue, and executed under their superintendence. The Commercial Residents at Ghazee-pore and Rungpore, the Collectors and Deputy-Collectors of the Customs, and the Superintendents of Salt Chokies, as well as the Opium Agents and their Deputies, to be required to assist in suppressing illicit traffic; and all contraband Opium which may be seized, to be valued at 10 rupees per seer, and one-half the amount to be paid to the officers of Government, and the other half to the officers employed in the seizure.

83. We are disposed, upon the whole, to approve of the general outline of the foregoing arrangement, which we think preferable to the plan suggested by the Board of Trade, of dividing Behar into two separate agencies, the adoption of which would have entailed a heavy expenditure in the erection of new buildings for the use of the Opium Department in North Behar.

84. As the high estimation in which the Opium sold at our sales is now held, arises from its purity and the excellence of its quality, and as Opium produced in Rungpore and other parts of Bengal is deemed of a quality inferior to that of Behar and Benares, great care must be taken that Bengal Opium be *not put into such a state* that it may, in our own or foreign countries, be passed off as Behar or Benares Opium. We therefore positively direct that the Bengal Opium be

be not made into cakes, but that instead thereof, it be put into pots or jars, and sold in that state, at a season of the year when poppy-leaves are not procurable; and you must make a regulation, declaring that if any person shall be detected making Bengal Opium into cakes, either with poppy-leaves or tobacco-leaves, or any other substance, the Opium found in such a state of preparation shall be seized and confiscated, and the offender be liable to adequate penalties.

IV.
Administration of
Monopolies.
Opium.

85. After all, we must observe that it is our wish not to encourage the consumption of Opium, but rather to lessen the use, or, more properly speaking, the abuse of the drug; and for this end, as well as for the purpose of revenue, to make the price to the public, both in our own and in foreign dominions, as high as possible, having due regard to the effects of illicit trade in our own dominions, and of competition in foreign places from Opium produced in other countries. Were it possible to prevent the use of the drug altogether, except strictly for the purpose of medicine, we would gladly do it in compassion to mankind; but this being absolutely impracticable, we can only endeavour to regulate and palliate an evil which cannot be eradicated.

humbug

— No. 5. —

(Bengal Separate Department of Opium.)

Our Governor General in Council at Fort William in Bengal.

27 January 1819.

Para. 1. We have received your Political Letter, dated the 4th January 1817, representing the injury which the Opium branch of the Company's Revenue is likely to sustain from the traffic in that article, which is stated to be carried on between the Port of Goa and other ports in India not subject to British jurisdiction, and the Portuguese settlement of Macao, and suggesting an arrangement between the Governments of Great Britain and Portugal, under which the latter Government may consent to prohibit the importation, by its own subjects, into Macao, of all Opium not purchased at the Company's sales in Bengal, and to impose such duties on that drug, whether the produce of Turkey or of any place in India not subject to the British Government, when imported into that settlement by foreigners, as may be tantamount to a prohibition.

2. We are by no means insensible to the injury to which the Company's interests connected with the Opium monopoly are exposed from the competition of Malwah and Turkey Opium in the Chinese and other Eastern markets; and we approve of the solicitude which you have evinced to provide for the security of this valuable branch of the Indian Revenue. It has, however, appeared to us so improbable, that the Government of Portugal would accede to an arrangement such as you have suggested, that we deem it quite unnecessary to submit the proposition to His Majesty's Government.

3. The superiority of the Bengal Opium in point of quality over that manufactured in other parts of India, will, we trust, insure to it a preference in the foreign market so long as the superiority is not much more than counterbalanced by the difference in price; and should a reduction in the price of Bengal Opium become necessary, the expediency of proportionately increasing the annual provision will naturally engage your attention. We know of no practicable mode of guarding against the evil which you apprehend, except by supplying the markets at a moderate price with a better article than can be procured from different quarters and through other channels.

We are,

Your affectionate Friends,

(signed)	James Patterson.	W. S. Clarke.
	C. Marjoribanks.	J. Bebb.
	S. Toone.	Geo. Smith.
	T. Reid.	W. Wigram.
	G. Raikes.	W. Astell.
	J. Thornhill.	Edw ^d Parry.
	J. Jackson.	G. A. Robinson.
	J ^r English.	

London,
27 January 1819. }

IV.
Administration of
Monopolies.

— No. 6. —

Opium.

EXTRACT LETTER in the Separate Department, from the Court of Directors, to the Governor General in Council in *Bengal*, dated 8th August 1821.

LETTER from the Governor General in Council to the Court of Directors, dated 28th February 1817.

Letter, 28th February 1817, paras. 104 to 138, 150 to 152.

Letter, 4th July 1817, para: 7.

Letter, 24th October 1817, paras. 66 to 69.

Letter, 17th July 1818, paras. 34 to 36, 120 to 123, and 137 to 140.

Letter, 30th July 1819, paras. 111 to 141.

Proceedings connected with the provision of Opinion; the prevention of the illicit manufacture and sale of Opium; arrangements for internal sale, and the management of the Behar Agency.

Para. 110. The subject of the provision of Opium, which has become connected with many new and important considerations, we shall fully notice in replying to Paras. 120 to 136 of your Letter of 17th July 1818.

111. With respect to the prevention of the illicit manufacture and sale of Opium, the principal points here brought to our notice are :

112. The delegation of judicial powers to the Revenue Authorities of this Department.

113. The modification of the scale and distribution of rewards on confiscated Opium.

114. The increase of price to the cultivators of the poppy; and,

115. The relaxation, in favour of travellers and visitants from foreign States, of certain provisions of Regulation 13, of 1816.

116. The degree of judicial authority delegated by Regulation 13, of 1816, to the Revenue Authorities of this Department, meets our entire approbation. We refer you to our remarks in a preceding para. on the same subject, in relation to the Salt Department.

— No. 7. —

EXTRACT LETTER in the Separate Department, from the Court of Directors, to the Governor General in Council in *Bengal*, dated 30th January 1822.

LETTER from the Governor General in Council to the Court of Directors, dated 17th July 1818.

(129 to 136, and paras. 142 to 156, of Letter 30th July 1819.) Proceedings connected generally with the provision of Opium for the Government Sales; the extension of the Opium manufacture, and the measures adopted for modifying Regulation I. of 1818, of the Bombay Code.

Para. 40. We have already noticed the progressive decline of the Opium Revenue from 1814-15 to 1817-18 inclusive. This decline was ascribed to the competition of foreign Opium in the Eastern market. The proceedings now before us relate to the measures which you have pursued for the purpose of overcoming this competition, and restoring the prosperity of this branch of our resources.

41. The effects of this competition have been felt, not simply in the depression of the general price of the drug, it has entirely destroyed the advantage resulting from a strict monopoly, which counterbalances the deficiency of unfavourable seasons by a proportionate enhancement of price.

42. We regret to observe that this competition has been greatly strengthened by a deterioration, beyond the example of many years, in the quality of the Opium provided in 1817 and 1818, while the Malwa manufacture of that year was so much improved in quality, as to approximate very closely to the properties of the Company's standard Opium.

43. The rivals of the Company in the China Opium market are of three classes; namely, the traders in Malwa Opium, the traders in Turkey Opium, and the traders in illicit Bengal Opium.

44. Of these three sources of rival supply, the Malwa Opium appears, from the excellence of its quality, to have afforded the most powerful instrument of competition; so much so, that in the opinion of the Select Committee of Supracargoes at Canton, if the quality of the Company's Opium should not be kept up to the standard established in 1798, and if the quality of the Malwa Drug should continue to rise in proportion to its recent improvement, and the traffic continue equally free from restrictions, there was reason to conclude that the competition would extend to the limits at which the proceeds of Opium in general would merely repay the expense of production and transport.

45. The

IV.
Administration of
Monopolies.
Opium.

45. The principal channels by which the Malwa Opium found its way to the Eastern markets, were the Portuguese Ports of Diu and Demaun, to which it was conveyed in the first instance through Cambay, Baroda, and other ports of native States. The measures adopted for breaking this chain of traffic, by prevailing on the native Princes to prohibit the exportation of Opium from their ports, and by the establishment of high protecting duties on the transit of the drug by land, promised only a very limited and problematical success against the sedulous exertions of the Portuguese authorities to discover new channels by which the drug may find its way to their ports, the very great temptation to native merchants to co-operate in these views, and the difficulty bordering upon impossibility of effectual prevention on the part of our Government, without constant and vexatious interference with the people and the Governments of native States.

46. The Turkey Opium is conveyed to China and the Malay coast, direct from the Mediterranean, principally by Americans and by British ships from Madeira; and although a very inferior and much adulterated drug, it has proved, since the peace, a formidable rival, from the very high price of the Company's Opium, and the inadequacy of its supply, to the total demand of the market.

47. The competition of Bengal illicit Opium is an evil of serious magnitude, and we observe with regret the great extent to which it is understood to prevail. "This species of smuggling," as is well observed by Mr. Larkins, "lies nearest to our doors: it lessens the public supply and the profit upon it; and it is signally injurious to the fair trader, for in a distant market he has to compete with an article in secret hands, which meets him at half price, and at possibly a total exemption from freight and charges."

48. The principles of a strict monopoly, which supposes the exclusive possession of a market and the consequent assurance of high price, by means of limited supply, are evidently inapplicable to this state of things. You have therefore made it a subject of careful consideration, whether the Eastern market cannot be commanded by the adoption of an entirely different system, namely, by supplying its entire demand at such a price as would render competition unprofitable.

49. It seems to be sufficiently established that the demand for Opium, in the Eastern market, has of late years considerably increased: that the Company's standard Opium obtains a decided preference over every other variety of the drug; but that its supply is inadequate to the total demand of the market, and that its price places it out of the reach of the poorer classes of consumers; that the deficiency of its supply leaves an ample opening for the rival supplies, and that its high price enables them to obtain an advantageous sale, even at a much lower rate; and that the rival supplies have derived a further and very considerable advantage, from an unfortunate deterioration in the quality of the Company's Opium during the two last years (1817 and 1818.)

50. In considering the policy of the change of system proposed, namely, of attempting the entire supply of the market, on terms that would annihilate competition by rendering it unprofitable, it became obviously important to ascertain, as correctly as possible, 1st, the total amount of the probable annual demand, and the consequent probable extent of the annual provision; and, 2dly, the lowest price at which it would be worth the while of the rival traders to bring their drug to that market, and consequently the price at which the Company's Opium must be sold, in order to depress the price of the rival Opium below this level. From these data the comparative profit of the present and the proposed systems might be estimated.

*a principle
advised to
to 1837 - as
brought on
Opium in*

51. The results of the inquiries made by the Board of Trade in reference to these points, and the careful discussion of them in the Minutes of Messrs. Udney & Larkins, and in your Resolution of 12th November 1819, appear to show that the present supply to the Eastern market may be calculated to be at least 8,000 chests. The lowest recorded price of Turkey Opium in the Mediterranean is stated at 800 rupees per chest, or two-and-a-half dollars per pound. You think that this price may be fairly assumed, as somewhat below the price at which any large supply could be profitably furnished. This assumption appears to us to be somewhat too hastily made.

IV.
Administration of
Monopolies.
Opium.

52. There is also evidently some important error in your ulterior calculations. You state that the latest known price of Turkey Opium in the Mediterranean, was four dollars per pound, or 1,300 rupees per chest; and that the latest selling price of the same article at Canton, was 1,035 rupees per chest, "which probably afforded little more than a mere return of the capital employed, and charges incurred, in the adventure."

53. This calculation, however, does not show even a mere return of the capital and charges; it shows, on the contrary, a considerable loss; the price in the Mediterranean exceeding the price at Canton by 265 rupees per chest. We cannot suspect an error in figures; for not only are the same numbers more than once repeated, but the same calculation recurs in another shape, exhibiting similar results.

54. Without, however, dwelling on the errors of a calculation, which we have no means to rectify, we may observe that the only fair conclusion which can be drawn from the premises stated is, that if Turkey Opium, when sold at four dollars per pound in the Mediterranean, gives a fair remittance to China, if sold there at 1,035 rupees per chest; the same Opium, if sold at two-and-a-half dollars per pound in the Mediterranean, would give a fair remittance, when sold in China, at 642 dollars per chest, with some little addition for the difference of freight, and other charges on bulk.

55. You proceed to observe, "that the comparative value of the Bengal and Turkey Opium in the Eastern market is stated to be as five to three; supposing the latter therefore to bear the above price of Rupees 1,035, the Bengal Opium might be expected to sell at Rupees 1,723 per chest, and this price would give a fair profit, supposing the average price of Opium at the Calcutta sales to be reduced to Rupees 1,400 per chest." But if, as we have seen strong reason to apprehend, the Turkey Opium might be brought to the Eastern market at 642 rupees per chest, then, according to the above proportions, the Bengal Opium, in order to drive the Turkey Opium out of the market by comparative lowness of price, must be sold at 1,070 rupees per chest in the Eastern market; and consequently at 869 rupees per chest at the Calcutta sales, if the charges be reduced in proportion to the price, or at a still lower rate if the charges be not so reduced.

56. There are other facts stated in the documents before us which you have entirely overlooked, and which we are sorry to observe bear still more unfavourably on your views of this subject. The importation of Turkey Opium into China, is stated to be as the earliest period of European commerce with that country, though it at first took place in very small quantities. Previously to the Agency system the Turkey Opium was on a par with, or not much lower than, the Bengal.

57. We find, on reference to the records, that the selling price of the Behar and Benares Opium at Calcutta on the average of eight years, from 1787-8, was

		Quant. Sold.	Average Per Chest.	Price.	
		Chests.			
Cons. 1st June 1795.	1787/8 Behar	3,113	466 1 6	Average of 8 Years, R ^s 558. 9. per Chest	
	Benares	580	474 9 7		
	1788/9 Behar	1,907	576 11 19		
	Benares	423	563 3 7		
	1789/90 Behar	1,963	595 5 19		
	Benares	504	582 6 18		
	1790/91 Behar	2,267	568 5 2		
	Benares	572	539 7 18		
	1791/2 Behar	2,474	535 9 7		
	Benares	750	516 11 15		
	1792/3 Behar	2,152	628 1 -		
	Benares	832	637 8 13		
Cons. 19 June 1797. Ditto 23 May 1798.	1793/4 Behar	2,979	553 10 -	Average of 11 Years, R ^s 495. 12. per Chest.	
	Benares	881	586 15 5		
	1794/5 Behar	3,502	480 6 -		
	Benares	1,148	639 2 -		
	1795/6 Behar	4,749	235 9 -		
	Benares	1,287	246 9 -		
	1796/7 Behar	5,331	286 11 -		
	Benares	1,233	293 - -		
	Quantity Provided.				
	1797/8 - -	4,476	414 - -		
	1798/9 - -	4,385	775 - -		
	1799/1800 - -	4,874	687 - -		
1800/1 - -	4,151	790 - -			
Average of 14 Years, R ^s 537. 10. per Chest.					

558; of eleven years from the same period, being the last eleven years of the contract system, 495; of fourteen years from the same period, which will, include the three first years of the agency system, 527 Rupees per chest.* If it was worth the while of the dealers in Turkey Opium to send it to the China market when the price of the Company's Opium at Calcutta was from 500 to 550 rupees, we can scarcely imagine such an enhancement of the cost of production or of transport, as that it would not be worth their while to send it when the price of the Company's Opium at Calcutta is 1,400 rupees, making the most ample allowance for the improved quality of the Agency Opium. We fear, therefore, that the idea so strongly entertained by you, that a sale price of 1,400 rupees for the Company's Opium in Calcutta, will be so low as, by underselling, to drive the Turkey Opium out of the China market, has been taken up on an imperfect view of the subject, and will be found on experience fallacious.

58. We attach more importance to the effects of superior quality in this competition. It was long since observed by a very competent judge of this subject: "Opium is a medicine of so much importance, the diseases in which it is most frequently prescribed are so dangerous, and the quantity in which it is exhibited is so small, that the best that can be procured will be procured without any attention to the difference of price." This opinion relates solely to the medicinal use of Opium, and is so far, we think, unquestionably correct. We have little doubt that the opinion may be extended in a great measure to the general consumption of the drug, considering the very great pre-eminence of price which the best always obtains over the inferior qualities in articles of luxury, in those especially which, like the article under consideration, are used, not as simple luxuries, but as articles considered indispensable to the health of the consumers. In this point of view we are strongly disposed to believe that the Company's Opium, if supplied of the standard quality of 1798, would command over the Turkey Opium in the Eastern market, a preference sufficiently decided to ensure a large profit on a supply nearly commensurate with the entire demand of the market. We do not expect that the Turkey Opium can be entirely driven out of the market; but we think its sale may be restricted within very narrow limits by regular excellence in the quality of the Company's Opium.

IV.
Administration of
Monopolies.
Opium.

59. The quality of the Malwa Opium, approaching and sometimes surpassing the quality of that of Behar, has rendered that a much more formidable rival in the Eastern market. To repress it, either by underselling it, or by any marked superiority of quality, appears to be impracticable. The prohibitory Regulations, which were designed to check its exportation, could only be partially successful; they were reluctantly adopted by the Native Governments; they were attended in their operation with the most serious hardships to the monied, agricultural and mercantile classes; producing the ruin of many, and causing general dissatisfaction and distress. At the same time they could only be partially successful from the multitude of interests concerned in discovering new channels of illicit exportation, and the extreme difficulty of prevention on the part of our Government; and their success at all events could only have been secured by "an injurious interference with the general commerce of the country," and by "measures which Government could not pursue without a just impeachment of its equity."

60. The measure therefore which was originally proposed by the Board of Trade, and which met with the entire approbation both of your Government and of the Government of Bombay, of taking up the Malwa produce on account of the Company, appears to be on many accounts a highly advisable arrangement. Those classes of the native community which have suffered most severely by the prohibitory Regulations, will derive from their dealings with the Company advantages equivalent to those resulting from their original dealings, the suppression or interruption of which, by the prohibitory Regulations, was so severely felt by them; and the same article which would otherwise in spite of those regulations, and after occasioning much individual suffering, and much odium to our Government, have found its way to the Eastern market to the injury of the Company, will thus be sent thither in a manner most beneficial to all parties concerned. What would have been otherwise a source of much vexatious and injurious interference with the people and governments of native States, without any commensurate advantage to our Government, will thus become a source of mutual benefit.

61. The average annual supply of Behar and Benares Opium to the Calcutta sales has been about 4,000 chests. The estimated supply of Malwa Opium to the sales intended to be held at Bombay is also about 4,000 chests; making the total supply of Opium to the Company's sales (at Calcutta and Bombay) about 8,000 chests.

62. The points of detail which are of primary importance in the local arrangements for the provision of the drug, are to obtain the drug of the best possible quality at the smallest possible charge, consistently with the fair remuneration of the cultivator; and to reconcile the security of the present provision with the prevention of the extension of the cultivation.

63. Of the quality of the Malwa Opium we have already spoken it is nearly equal to the standard quality of the Opium of Behar. Every practicable method should be taken to bring it to the perfection of this standard, and above all, to

IV.
Administration of
Monopolies.
—
Opium.
—

prevent its degenerating. The cost of production appears to be somewhat higher than in Behar and Benares. You seem to have some hope that it may be hereafter reduced ; of course while the disparity continues, the Malwa drug is the least advantageous provision for the Company. It is on this account sufficiently desirable not to extend the culture, and not for this reason only, but also because the present conjoint production of Malwa, Behar and Benares, is full as much as is desirable under present circumstances. It is also most desirable, that the culture should not be extended in Malwa for the supply of illicit traffic.

64. You think, that although these objects would perhaps be best obtained by the establishment of one or more agencies under the management of British officers, as far as circumstances will allow, on the principles followed under your Presidency, yet various decided objections appear in your judgment to oppose the adoption of such a measure. With this impression, you were of opinion that no better arrangement could be followed than that suggested by Mr. Wellesley, the resident at Indore.

65. The plan alluded to is as follows : “ To fix upon certain convenient frontier stations for the receipt of supplies of Opium. To furnish the political authority or authorities in this sphere with copies of the terms on which the Company would receive Opium of particular qualities at the appointed stations, for distribution to the several governments and authorities in Malwa ; to authorize the Company’s Political Officers in Malwa, or the agents at the Opium stations on the frontier, to invite and receive tenders from Government or individuals for supplies of Opium, to be submitted to the approbation of the Government of Bombay, or to be entertained or rejected at the discretion of those officers, these officers being previously instructed in the wishes of the Bombay Government for the occasion ; to prohibit the importation into the Company’s territories, of any other Opium than what is brought to appointed stations on the Company’s account, subjecting all other Opium to confiscation.”

66. We strongly doubt if this plan will accomplish the ends in view. The Company’s officers can in no way regulate the quality of the drug, or the extent of the cultivation. The only security for the quality, is in the rejection of the supply if the quality be bad ; the only security against the extension of the cultivation, is in the prohibitory Regulations. The prohibitory Regulations have been severe, but not successful ; if the whole of the present produce of Malwa be taken for the Company, the severity of the prohibitory Regulations will so far cease to be felt, or if felt, cannot be justly complained of ; but if the produce be increased, either the Company must take the increased produce indefinitely, which may very soon burthen us with a superabundant provision, or the same system will take place with respect to the surplus produce which has already taken place with respect to the whole. As long as the Opium trade yields a high profit to the British Government, so long will it be worth the while of all the parties concerned in the old Malwa trade to secure a share in that trade. The numerous interests that have been, and still are concerned in discovering new channels of transportation to Diu and Damaun, will still be in active operation ; and (the prohibitory Regulation being confessedly inadequate to their object, without the addition of such measures as Government cannot justly undertake) the consequence will be an increased produce in Malwa, and a transportation of much of that produce to Diu and Damaun. If with all our matured and acquired means of prevention in our own possessions, illicit Bengal Opium finds its way in no inconsiderable quantity to the China market, it is scarcely to be supposed, that under all the circumstances connected with the Malwa produce, which we have already noticed, we shall not still have to encounter a very formidable opposition from that produce, unless means can be devised to prevent the extension of the cultivation.

67. You propose to discourage the cultivation by limiting your own demand. You think the Company will derive less profit on the produce of Malwa, than on that of Behar and Benares ; but you think it necessary to take the Malwa produce, because of the “ probability that if Government refuses to purchase it, it will ultimately find its way to the Eastern market through clandestine channels ;” but you do not seem to be aware that this probability will still apply to all the surplus produce beyond the Company’s demand, that this surplus produce will, in the natural course of things, if the extension of the cultivation be not prevented ;

. be

be extended according to the demand from other quarters; and that this demand from other quarters will infallibly take place, so long as the profit on the trade shall counterbalance the risk of clandestine transportation. At what point (that is to say, at what price of the drug in the Eastern market) the profit of the clandestine trade will cease to counterbalance the risk, it is extremely difficult to determine; but we see every reason to fear, that this point is not to be found within limits that would leave to the Company any considerable revenue from Opium.

68. You do not intend to interfere with the cultivation for internal supply, and you state the internal demand to be considerable. Here then is an abundant supply at once in the internal market; a supply as much at the service of the clandestine dealers, as of the domestic consumers, and capable to all appearance, of indefinite extension.

† 69. We are fully aware of all the objections and difficulties that oppose themselves to the establishment in Malwa of a system resembling that of the Bengal Agencies, but we fear that by no other means can the extent of the cultivation be controlled; and if not only the same, but any thing like the same degree of competition in the Eastern market should be experienced when we furnish it with 8,000 as when we furnished it with 4,000 chests, we see much to apprehend from the consequences of a redundant supply. You have calculated on an inevitable temporary depreciation till the competition of foreign Opium is repressed; but the tendency of our preceding observations leads strongly to the opinion that such depreciation will be, not temporary, but permanent; and that either the competition will not be repressed at all, or that it will return with the return of our profit. †

70. The object of the proposed modification of the Bombay Regulation 1, of 1818, was such a relaxation of the import duties on Opium prescribed by that Regulation as would reconcile the permission of a sufficient import by land for the consumption of Guzerat, with the prevention of exportation by sea. To secure on the one hand to the people of Guzerat the use of an article which they consider indispensable to their health, and of which the high duty (12 rupees per seer) imposed by Regulation 1, of 1818 was a virtual prohibition; and to prevent, on the other, the allowed supply for internal consumption from being diverted into the channels of clandestine exportation, considering the ample means afforded to the latter by the whole coast of that extensive peninsula which lies between the Gulphs of Cutch and Cambay, and at the southern extremity of which lies the island of Diu itself, one of the principal emporiums of the rival trade, appears to us an attempt replete with difficulties. Your suggestion to the Bombay Government to avoid for the present any formal repeal of the regulation, and to grant a conditional relaxation of its rules in the form of a temporary notification, rather than in that of a legislative enactment, meets our entire approbation, as the best course which could, under all the circumstances, be pursued. By adopting this method you keep it within your own power to reimpose the duty, without reference to England, whereas if the regulations were repealed, no new duty could be imposed without our special authority.

71. In stating to you the views which have forced themselves upon us on a careful consideration of this question, we would by no means be understood to disapprove the plan you have adopted, which was demanded as a measure of justice, as the only compensation that could be offered for the injury sustained by the people from the operation of the prohibitory Regulations. If those Regulations had been abolished, the open competition of the Malwa drug would have destroyed our Opium revenue. If they had been continued without the alleviation of the present measure, they would have continued to produce the greatest hardships to the people, and could only have been rendered effectual at an enormous expense in establishments, and by means which Government could not pursue without a just impeachment of its equity.

72. We are fully aware that you had only a choice among many opposite difficulties, and that you had it not in your power to fix on a course that would not have been liable to exceptions, but we have deemed it necessary to call your attention to some important considerations which you appear to have overlooked, and which forbid us to entertain any very sanguine hopes that the result of the course you have pursued will realize your expectations of maintaining the revenue at the

IV.
Administration of
Monopolies.
Opium.

standard of the most favourable year (1814-15), at the same time the means which the Company possesses of commanding a large supply on moderate terms and of an excellent quality, will always afford it a considerable advantage in the ordinary course of mercantile competition. We have no doubt that these advantages are capable of very great extension, if the drug be supplied of such uniform good quality as will give the purchasers in the Eastern market implicit confidence in the Company's stamp. This confidence the deterioration of late years has greatly weakened. If this confidence can be restored and preserved, our resources may still derive considerable benefit from that moderate profit on an enlarged supply to which we must restrict our expectations; but we are fully persuaded that in proportion as this confidence shall be preserved or lost, this branch of our revenue will prosper or decay. The point therefore of vital importance, and that to which your most vigilant supervision is required, is the preservation of uniform excellence of quality.

73. We approve the distinction in the form of the cakes which you have directed to be made between the Opium of Malwa and that of Behar and Benares.

—No. 8.—

EXTRACT LETTER in the Separate Department, from the Court of Directors, to the Governor General in Council in Bengal, dated 11th July 1827.

LETTER from the Governor General in Council to the Court of Directors, dated 23d March 1821. (127 to 138; also Letter, 30th July 1823, paras. 42, 43, and 49 to 84.) Provision of Malwa Opium, and annexation of the Malwa Agency to Calcutta. An increase of price thought necessary to the cultivators of Opium in the Bengal Agencies. The Collectors of Tirhoot, Sarun and Shahabad, to act as deputies to the Opium Agent in Behar. Doctor Hare appointed to act as Examiner of Opium; and the expediency of a third Opium Agency in Rohilcund, under deliberation.

Para. 36. We acknowledge the justice of your remark, that the subject of Malwa Opium is beset with difficulties, and we are happy to perceive by the voluminous correspondence which we have perused, that it has been considered by you with the most anxious attention, though we have to lament that the information before us remains too imperfect to enable us to form any decided opinion on the questions which still perplex you.

37. Your object in taking into your own hands the market of Malwa Opium, was to prevent its competition with that from your own Agencies in Bengal, and thence to secure the benefit of a monopoly in the Eastern market. That the experiment as yet, has been far from successful, sufficiently appears from the documents before us. You were but little satisfied with the conduct of the agent employed by the Bombay Government in Malwa. The extent of his pecuniary drafts is one circumstance which, of course, attracts attention. They amounted, for the supply of one year (1823), to the enormous sum of 86,25,000 rupees, and as yet we have no documents to show how it is accounted for. On this subject, therefore, we are under the necessity of postponing our opinion.

38. The means of preventing the Opium, raised without restriction in Malwa, from reaching the hands of the private merchant and the China market through him, seem to be of two kinds, either obstructions to the transit, or such regulations of prices as may exclude competition.

39. The first of these expedients is so difficult that its success must be regarded as exceedingly doubtful. The commodity is so valuable in proportion to its bulk, that it is easily carried and concealed; and it is, or may be raised over a great extent of country, or rather, of many countries, of some of which we have not the government.

40. In attempting to exclude competition by the second expedient, that of regulating the price, it is easy to foresee this inconvenience; that if you give such a price as will prevent all rivalry from the private trader, you encourage the manufacturer to augment the quantity to an extent which will speedily glut the market; and this seems to have been one of the inconveniences actually experienced in the case of Mr. Taylor's agency.

41. Your Secretary, Mr. Holt Mackenzie, whose opinion has always great weight with us, seems to regard the attainment of your object, either by obstructing the transit of the commodity to the coast, or by regulating the price, as hopeless; and he came to the conclusion, that unless "some arrangement for shackling the trade

See this Note
under date
10th July 1823.

trade in Malwa Opium be adopted, there is little chance of your being able to prevent such a fall in price, from superabundant supply, as will render the possession of the monopoly in Behar and Benares of little value." His expedient is to monopolize the cultivation in Malwa, in the same manner as in Behar and Benares; in other words, to prevent the cultivation of Opium by any other parties than those with whom Government enters into contract. As no observation is made upon this plan, either by you, or by the Board of Customs, Salt and Opium, we conclude that it is regarded by you, as indeed it appears to us, impracticable. To prevent clandestine cultivation through such an extent of country as Central India, in which the machinery of our Government is very imperfectly, and in some places not at all, introduced, and to obtain a faithful execution of any compact for that purpose, which the native Chieftains may enter into with the British Government, appears to us still more difficult than the other expedients which have so imperfectly answered your expectations. The unfavourable impression on the minds of the people, which we are informed by Sir John Malcolm has been the effect of our endeavour, even to monopolize the produce, must be still greater if the monopoly and limitation of the manufacture is attempted.

IV.
Administration of
Monopolies.
Opium.

"That our extension of the monopoly of Opium to Central India, will be attended with considerable trouble, and that it will, from the immunities we may require, and the connection with managers and others to which it may lead, give rise to much annoyance and general jealousy and bad feeling, is not to be doubted. It will, and indeed has already, made an impression not favourable to our interests." Letter of Sir John Malcolm to Mr. Secretary Warden, dated 26th April 1821.

42. Under these circumstances, and still more when we consider how extensively from other countries than India, from Turkey, and from Persia, Opium may eventually be procured by the private trader, we cannot conceal from ourselves the probability that it will not be in your power to maintain a control over the supply of the Eastern market. We do not, however, adopt to its full extent the conclusion which has been drawn by Mr. Mackenzie, "that the possession of the monopoly in Behar will then be of little value." It appears by the statements furnished to us, that Malwa Opium cannot be cultivated and brought to the coast for less than from 600 to 700 rupees per chest. It appears also that in Behar and Benares your Opium is produced at 300 rupees per chest, or perhaps less. If you were obliged then to sell as cheap as the lowest price at which Malwa Opium can be sold, you would still have a profit of 300 rupees per chest. But farther than this, it seems well ascertained that the Opium of Behar and Benares is a preferable article, and will always fetch a higher price than any other Opium. It seems to be the practical inference from all this, that your main attention should be directed to the means of attaining the greatest possible revenue from the Opium of Behar and Benares.

43. Under the prospect which seems forced upon us by this state of affairs, the measure which we perceived has occupied a great share of your attention, of removing the Malwa agency from the Bombay Presidency to your own, is a matter of inferior importance. Though strong considerations were urged by Mr. Warden for retaining the agency and the Malwa produce on the western side, we think that those by which you were determined preponderated. You could not have made a more judicious selection than that of Mr. Samuel Swinton for agent in Malwa. The objection which we should otherwise have felt to the appointment of a military officer (Captain Dangerfield) to the office of assistant, is in this instance superseded by the peculiar aptitude of the individual whom you describe as having, under Sir John Malcom, enjoyed great opportunity of acquiring both local knowledge and experience in regard to the culture and disposal of Malwa Opium. Though the allowances of these officers are high, they are disproportionate to the importance of the trust.

Agent, 5,000 Rs
per month.
Assistant, 1,000 do.

44. We have had an opportunity, by the arrival of your consultations in this Department to March 1824, of observing the proceedings of Mr. Swinton to a late date, with which we are happy to perceive that you have reason to be fully satisfied; and from that gentleman we trust you will derive information sufficient to come to a satisfactory conclusion as to what is your best policy in regard to Malwa Opium. Respecting your directions for the provision for 1824, which appear to us to be judicious, we shall speak more fully in our next letter in this department.

45. We have considered with much attention the correspondence relative to the provision of Opium in Behar and Benares, and have been very forcibly struck with

IV.
Administration of
Monopolies.
Opium.

the imperfect information which you possess relative to the cultivation of the drug, even in those provinces where you certainly had the means of obtaining a full acquaintance with every thing connected with it. We cannot forbear attaching blame to preceding Boards, to which this important branch of the interests of the State was specially entrusted, for the want of information which is now apparent in your proceedings, and trust you will take care that a speedy remedy for this defect shall be provided by the present Board.

46. Under much diversity of opinion and strong considerations adduced on both sides, you have come to the resolution of allowing an additional price to the growers of Opium in the Bengal agencies. We cannot pronounce that you have done wrong in this. But we are not satisfied in the present imperfect state of information, that you have done right. We are indeed inclined to think that until you were better acquainted with the grounds on which you were to proceed, the preferable course would have been to abstain from innovation. It may still be found that this increase of price was not necessary, but it will not be easy in such an event to reduce it.

47. The appointment of the collectors of Tirhoot, Sarun and Shahabad, to act as deputies to the Opium Agent in Behar, and of Dr. Hare to act as examiner of Opium, and to secure, by a more accurate analysis, the due perfection of the drug, are arrangements which promise the advantages you expect from them.

48. The project of establishing a third agency in Rohilcund is under your consideration, and we expect from you more ample information on the subject; till which time we shall defer the forming of our opinion. One thing we may remark, that all plans for enlarging the supply of Opium in the Bengal agencies, must depend so much upon your final determination with regard to the Malwa produce, that till such determination is made, you hardly can, without danger of great mistake, adopt any specific proceedings. In the event of your deeming it inexpedient to continue your efforts to preserve the monopoly of the Western produce, one point to which we do not see that you have adverted, will present itself for consideration; viz. whether by arrangements with the Governments to which the several Ports in the Western Coast belong, a considerable export duty might not be imposed. This, if practicable, would both tend to keep up the price in the Eastern market, and, to the extent of the proceeds, would be an immediate gain.

— No. 9. —

EXTRACT LETTER in the Sepàrate Department, from the Court of Directors, to the Governor-General in Council in Bengal, dated 21st January 1829.

Para. 2. WE now reply to paras. 408 to 412, and para. 419 of your Letter, dated 31st May 1827; also to your Letter, dated 18th October 1827, and in conjunction with these, to a former Letter of yours, dated the 18th of May 1826.

3. In these Paras. four different subjects are presented to our notice, which we shall consider in the following order: 1st. The employment of certain collectors as deputy Opium agents; 2dly, The appointment of Mr. Fleming to act in the capacity of referee and supervisor in Behar in Opium affairs; 3dly, That of Captain Jeremie to perform certain experiments for the improvement of the drug, and to prepare it for medical purposes; 4thly, The proposal for erecting a separate office for the business of Opium Examiner at the Presidency.

4. First: The subject which comes first in this order is the plan you have adopted, of employing the collectors as deputies to the Opium agents of Behar and Benares, in those of the more distant Aurungs, where a more efficient control seemed wanting over the native officers, and more complete security to the cultivators of reaping the full advantages to which they are entitled. We have already sanctioned this measure, as far as regarded the appointment of the collectors of Tirhoot, Sarun and Shahabad, by our Dispatch, dated 11th July 1827; and you now inform us that, in addition to those officers, you have invested with the powers of deputy Opium agents in their respective districts the collectors of Allahabad, Benares, Juanpore, Goruckpore, Ghazeepore and Ramgur. We perceive by your correspondence with the Board of Customs, Salt and Opium, and the Central Board of Revenue,

Revenue, that the advantages and disadvantages of the measure, and the means of obviating, as far as possible, all probable inconveniences, were carefully considered, and we feel no hesitation in giving it our full approbation. We think also that you judged well in respect to the mode of remunerating collectors for the duties of Opium agency, by adhering to the general rule, which makes the reward contingent upon the success.

IV.
Administration of
Monopolies.

Opium.

5. Second: Your experience seemed to you to have afforded reason to anticipate one inconvenience under this arrangement; namely, that of disagreement arising between the Opium agent and the deputy agents, respecting the quality of the Opium delivered by the deputy agents; and it appeared to you a proper act of foresight, to provide the means of adjusting those disputes. The expedient of a referee was naturally presented to your minds; and you deemed yourselves fortunate in having an officer, highly qualified for the purpose, in Mr. Fleming, Second Judge of the Provincial Court at Patna, who could undertake the duties without detriment to those of his situation in the judicial department. In order to derive advantage as far as possible from the services of Mr. Fleming, who, in his judicial capacity, would be called into many parts of the Opium district, and might be of great use by his supervision and suggestions, you thought proper, on the recommendation of the Board of Customs, Salt and Opium, to constitute him a Supernumerary Member of that Board in the Opium department; and for the performance of all these duties, you assign him an extra allowance at the rate of 500 rupees per mensem, to be drawn from January 1826, on the ground that his services, during the whole of that period, had been given to the department.

6. One observation immediately occurs on the consideration of this arrangement; that if the performance of these duties, the settlement of disputes between the agent and deputy agents, and between the cultivators and other parties, together with the improvement of the cultivation and manufacture, be of importance in the Behar agency, it must be of corresponding importance in the Benares agency. In particular, the settlement of disputes must be an exigency equally strong in the one case as in the other, yet the provision is made solely for Behar. Under the painful experience which we have had of the shifting and unsettled character of your plans of administration in the Opium department, and the present absence of any explanation, why that which you deem of so much importance for Behar has not been thought of for Benares, we cannot exempt ourselves from the fear that this measure has been adopted under no general and comprehensive consideration of the subject, embracing collectively the objects which you desire to obtain, and distinguishing skilfully the series of operations through which they are most likely to be secured; the suspicion rather is excited, that the suggestion arose from no consideration more enlarged, than the existence of an officer on the spot whom the employment would peculiarly suit, and that of an Opium agent, who needed his assistance. We are not disposed, on the ground of this suspicion, to condemn the appointment; but we dislike a partial expedient for a general exigency, and we disapprove the absence of explanation, when a remedy provided against anticipated evil in one case is not afforded in others, where it seems equally wanting. Another thing which seems exceptionable to us in this arrangement is, that being made for a permanent purpose, it is not calculated for permanency; because the circumstance of a Judge of Circuit on the spot, possessing the qualifications of an Opium referee and supervisor, is not likely to occur again. It is true, that your experience of Behar, with a referee and supervisor, and Benares without any such officer, will afford you some means of comparison. But Government should not in this or in any other department, be for ever a matter of experiment. You should by this time be able to proceed upon former knowledge, and anticipate effects. Should it be found that the Benares agency can be conducted prosperously without a referee, (and if the agent is an officer fully qualified for his office, we see no reason why it should not,) the inutility of such a functionary in Behar being thereby proved, the abolition of the office will be only an addition to those fluctuations in your plans, of which there seems to be no end. As full time for this experiment will have been afforded before the present Despatch can be received, we direct that no time may be lost in affording us an accurate and faithful report on the subject.

7. Third: The project of extending the cultivation of Opium to Rohilcund, and establishing there another agency, suggested by Mr. Forde, collector of Moradabad, and Captain Jeremie, was by you, upon reasons which appear to us satis-

IV.
Administration of
Monopolies.

Opium.

factory, declined. But in consequence of the Report of the late Doctor Abel, that the Opium grown by Captain Jeremie, in Rohilcund, possessed "superior excellence as a narcotic over that of Behar, Benares or Patna, while in its other qualities it would bear a comparison with the finest kind of that grown in Turkey," the Board of Customs, Salt and Opium, being of opinion that Opium, of the character of that produced by Captain Jeremie, might be prepared in any of the present agencies, recommended that an experiment to that effect should be made; and in the making of it, that the following points should be in a particular manner attended to.

"1st. Generally, whether our Behar, Benares and Malwa Opium are capable, by means of improved cultivation or different preparation, of being assimilated, in all respects, to that of Turkey.

"2d. Whether, if converted into such, in what way the value of each would be affected in Chinese estimation.

"3d. Whether the present proportion of narcotic substance in the Behar Opium could be augmented, and the drug be still preserved, free from the noxious properties which the Chinese consider the Turkey Opium to possess.

"4th. What it is in the manufacturing process in our agencies that is prejudicial to the goodness of the drug, compared with the Turkey Opium, as a medicine in Europe.

"5th. How far, if the character of Turkey Opium can be imparted to the produce of India, and the article be sent home to compete with the other, there would be any fear of its subsequently finding its way to China, and so interfere with the exports made directly from hence; and,

"6th. If possible, to discover the nature of those desirable qualities in the Behar Opium which have already obtained for it such a decided preference amongst the Chinese consumers."

8. The Board proceeded afterwards to recommend Captain Jeremie for this particular service, in the following words: "We attach great importance to the careful investigation of these points, and we really do not see how they could be more successfully examined than by Captain Jeremie, who has manifestly acquired an extensive knowledge of the subject, and by the light which he would throw upon it in its various branches, if his services were wholly at the disposal of the department would, we are persuaded, amply repay the Government for any remuneration which they might give him. What we would suggest is, that Captain Jeremie be permitted to proceed to Behar, being, while there, under the orders of the agent, and that a moderate space of land be assigned to him wherever the soil is most favorable for his experiments. The objects we have in view are evidently of a nature that can only be thoroughly sifted *on the spot*, by a minute and narrow scrutiny into the varieties of soil, the different modes of cultivation, and all the operations of manufacture; so that, at first, though he might be considered in the light of an assistant to the agent, and be subject to his general supervision, it would be best that his attention should be confined to one place. The different specimens of Opium that he might prepare would be kept wholly separate from the general investment, so that there could be no fear of any change of feeling in regard to it; nor would any the slightest alteration be suffered in respect to the present provision, until after it had been actually proved to be beneficial, and had, of course, been submitted for the sanction of Government, so that we do not apprehend any possible harm. On the contrary, there is every ground in the evidence Captain Jeremie has afforded of his competence to the undertaking, of deriving gradually the most valuable information from his employment in the service.

"This appears to us the only way in which the experiments could be conducted with a hope of success, the Opium in small parcels being sent to Calcutta after it was made, and by us being subsequently forwarded to different quarters, and especially to the Honourable the Court of Directors, if it is found practicable to prepare a quantity on the Turkey principle.

"An improved mode of packing the Opium would form also another subject of inquiry, on which Captain Jeremie has already, in his correspondence with Mr. Forde, offered, as it appears to us, some good suggestions."

9. Approving

9. Approving these suggestions, you authorized Captain Jeremie to be employed under the agent at Behar, at a salary of Rupees 500 per mensem, as a temporary arrangement, and for the purpose of experiment. Afterwards, on a strong recommendation from the Medical Board that Captain Jeremie should be employed to manufacture a pure Opium for the use of the medical department, you thought proper that this should be included among the duties he was to perform.

10. Averse as we are to the creation of a new office, and to any addition to the expense of your Government, we think that the advantages here in view were so great, and the promise of them so fair, as to justify a temporary arrangement for the chance of their attainment. It is our particular desire, however, that the temporary and experimental character of the measure be not lost sight of; and to this end, that an accurate report be forwarded to us as soon as possible, informing us what the result of the experiment has been, and whether any arrangement consequent upon its success or failure is by you reckoned expedient.

11. Fourth: When you had made such extensive arrangements and sanctioned so great an expense for superintending the produce and preparation of Opium, and improving the quality of the drug, we expected to find a distinct declaration on your part, that the expensive project which you had formerly in view, respecting an office of Opium Examiner at Calcutta, and which you reported to us in your Letter dated the 18th May 1826, had been relinquished. Of this project we did not think favourably from the beginning, and on that account suspended our approbation. The reasons which induced us to incline to the opinion of those members of your Government who were averse to the proposition (for there was a difference of opinion in the Council), it is not necessary for us now to state at length, because the arrangements which you have since adopted supersede the presumption of utility on which the former project was grounded. The functions of Opium Examiner at the Presidency, have one main object in view, that of satisfying the purchasers in a general way respecting the quality of the article offered for sale. To this you proposed, through the establishment of an office of Opium Examiner, to add another service, that of superintending the produce and improving the quality of the drug. These, however, are the very objects which it is proposed to accomplish through the appointments of Mr. Fleming and Captain Jeremie; and if these appointments answer your expectation, we see not any purpose of this nature which remains to be effected through the instrumentality of a separate functionary at the Presidency. If this be so, the duty of an Examiner at the Presidency is restricted to that narrow and very easy one, of passing such a judgment on the quality of the Opium, as is requisite for the satisfaction of the dealers; and which, in the opinion of all parties, can be performed with perfect convenience by the Apothecary General. From your silence on this subject in your latest letters, we infer that we shall hear no more from you of the establishment of such an officer as that of Opium Examiner at the Presidency, which, in the present state of our knowledge, we should not consider entitled to approbation.

IV.
Administration of
Monopolies.

Opium.

—No. 10.—

EXTRACT LETTER in the Separate Department, from the Court of Directors, to the Governor General in Council in *Bengal*, dated 16th September 1829.

Para 2. WE now reply to so much as relates to the subject of Malwa Opium, in your subsequent communications, *viz.*—

Letter, 31st May 1827, Paras. 318 to 357.

— 26th June 1828, - - 174 to 207.

— 30th Oct. — - - 346 to 368.

3. On the danger to which you conceived the revenue derived from your Bengal Opium was exposed, unless a check could be applied to the exportation of Malwa Opium to the Eastern market, on the difficulties which seemed to oppose the establishment of such a check, and on the plan which you had adopted for making the experiment, by transferring the agency from the Bombay to your own Government, you have already reported your sentiments, and received our replies. In the documents now before us, we have an account of the proceedings of Mr. Samuel Swinton, from the time of his being appointed your agent till nearly the time of his resigning the office; and the whole of your

IV.
Administration of
Monopolies.
Opium.

correspondence with him and with the Superintending Board, on the subject of his operations. We are now, therefore, able to take a view of the objects which he effected, and of the prospect in regard to the future which the result of his proceedings may be deemed to afford.

4. We think you acted judiciously in your mode of ascertaining by trial, in what proportions it would be expedient to dispose of the proceeds of the Malwa agency at Calcutta and Bombay ; a point which could not be determined without experience.

5. The attention of the agent was of course in the first instance directed to the acquisition of knowledge respecting the extent of the cultivation of Opium in Malwa, the extent to which the cultivation might in ordinary circumstances be carried, and the roads by which it was capable of being conveyed to the coast. When these points were ascertained, the questions remaining were, by what means the quantity cultivated could be kept within those moderate limits within which it was of importance to the objects you had in view that it should be confined, and what were the means which could be employed for preventing the transportation of the article to the coast, and its consequent exportation to the Eastern market.

6. The result of the active and judicious inquiries of Mr. Swinton, was satisfactory in regard to both points; the quantity of Opium capable of being cultivated in Malwa, and the routes by which it could be made to reach the coast.

7. It had been apprehended, that in the extensive regions of central India, the means of extending the cultivation of Opium were unlimited. It appears that this is very far from being the case. It requires much irrigation and manure ; and the cultivation of it in fact, is very expensive.

8. It seems to be ascertained also, that the number of routes by which Opium in any quantity worth regarding, can be conveyed to the coast, is not considerable ; and that the means of closing them, at least so far as to prevent any but small quantities from being conveyed by them to the coast, are not unattainable. Great praise is due to Mr. Swinton, for the active industry with which he prosecuted the inquiries which led to these results, and for the judgment and good sense which he displayed in the mode in which he elicited his information.

9. The two great objects for the attention of Mr. Swinton, after the knowledge of the facts on which his proceedings were to be founded, were so to conduct his operations in effecting the purchase of the commodity as to bring down the price, which had been enormously enhanced by the injudicious proceedings of the Bombay agent ; and in the next place, to secure the co-operation of the native Princes in whose territories the drug is cultivated, or through whose territories it must pass in its way to the coast.

10. In the first of these objects, the efforts of Mr. Swinton were attended with a success much beyond what could have been anticipated. In the first year of his agency (1824) you were obliged to authorize him to go to as high a price as 55 rupees per punseeree of 10 lbs. ; you were enabled to reduce the limit to 40 rupees in the next year ; and at last Mr. Swinton was enabled to purchase at the comparatively low price of 30 rupees.

11. This reduction of price, under all the difficulties with which Mr. Swinton had to contend, tends strongly to confirm his conclusions respecting the practicability of excluding competitors from the market of Malwa Opium, and securing to the requisite degree, the command of it in the hands of the British Government.

12. Towards the attainment of the second object, the hearty concurrence of all the native Princes, whose co-operation was necessary to restrain the cultivation of the drug, or prevent its passage to the coast, considerable progress seems to have been made ; in which we see with approbation, how much Mr. Swinton was aided by the co-operation of Mr. Wellesley. After negotiations, which necessarily occupied a considerable time, arrangements were effected with the Raj Rana of Oodeypoor, the Maha Rao Rajah of Boondee, with the manager of Meer Khan's Pergunnah, in Meywar, with the Raj Rana of Kotah, with the Government of Holkar, and with some other states in Malwa.

13. It is not our intention to enter into the detail of the agreements which were made with these rulers. We see with much satisfaction, that all the particulars were

were carefully considered, that great diligence and discretion were employed in managing the negotiations, and that the object of reconciling the interests of the chiefs and states in question, with those of the British Government, was steadily pursued, and, we believe, to a great degree attained. We perceive it was your opinion, that in some particulars the arrangements made, would still admit of beneficial alterations; this was to be anticipated in a case altogether new. We trust you will keep your attention fixed upon the subject, and make such alterations as farther observation may suggest.

IV.
Administration of
Monopolies.

Opium.

14. With respect to the rulers of the states with which the engagements were found, it was your object to give them what might appear to be an equivalent for the revenue they might lose by aiding your monopoly. These rulers will only be induced to draw cordially with you in the measures necessary to secure your monopoly, by being led to think that they rather gain than lose by doing so; and this persuasion you must endeavour to establish in their minds, while you must suggest to them such modes of confining the cultivation of the poppy to the best soils in their respective dominions, and of limiting the total extent of its cultivation as may be least oppressive, and least forcibly strike the Ryot as an arbitrary and injurious interference with his rights and interests.

15. The pecuniary "result of the Opium concern in Malwa," you say, "belongs more properly to the financial department, and will there be explained." You present us, however, with a statement of your disbursements and receipts in this concern, to the end of the official year. 1825-26, which exhibits a net profit of Rupees 6,55,754, exclusive of the Opium remaining in store, and of the quantity transferred to the Abkarry department. You have been fully advised, in our Territorial Finance Letter, dated the 3d June last, that the accounts on which the calculations of the profit and loss resulting from the monopoly of Malwa Opium had been made, were very defective; and that there was reason to suppose that the real profits at the close of 1825-26, exceeded 60 lacs of rupees.

16. From the success which has attended these proceedings, we entertain a more favourable opinion of your power so to restrain the exportation of Malwa Opium, as to prevent it from materially interfering with your Opium revenue, than that which we were obliged to draw from some of your previous communications. It is an object of so much importance, as to deserve your utmost endeavours for its attainment. We observe, that your hopes with regard to the future, were still mixed with some apprehensions; and there could be no doubt that the precautions you had been able to take, might still be defeated by circumstances of which you had not at that time been able to take account. Much would no doubt depend upon the parties into whose hands the business devolved after the departure of Mr. Swinton, and upon the ability and zeal with which the measures he had so well commenced, were followed up. We shall be happy to hear that an arrangement similar to that with the other states, has been made with Scindia's Government, the co-operation of which, in the restrictive system, appears of importance to its success.

17. In the present state of our information, we deem it unnecessary to make any further observations. The general object of your proceedings, that of securing a large branch of the revenue, is of obvious importance; and your conduct appears to have been such as, considering the difficulties in which you were placed and the necessity of feeling your way, good policy directed.

18. We remain anxious for information respecting the subsequent proceedings and their results. We earnestly hope they have been successful. At all events we trust they have been such as to afford decisive evidence of what we have to expect; and that we shall not long have to wait for the communication.

19. We observe from the Report of the supra cargoes at Canton, dated 13th September 1827, that the Chinese have manifested an increasing taste for the Opium of Malwa; and that it had in consequence of this and the disrepute of the Bengal Opium, arising from the bad quality of it in the preceding year, produced a much higher price than the Patna and Benares Opium, which in that year were stated to be of good quality. This circumstance, though the supra cargoes describe their information as very imperfect, we trust has not been overlooked by you and the Board of Customs, as indicating the course which ought to be pursued in our Bengal agencies. It is at variance with the theory of the late Dr. Abel in

IV.
Administration of
Monopolies.
Opium.

attempting to explain the reasons why the Chinese preferred the Patna Opium, both to the Malwa and the Turkey Opium. We hope that the experiments which were approved of in our Letter dated 21st January last, will have enabled you to judge of the competency of the officers entrusted with the preparation of an article so important both to the commercial and financial prosperity of your Presidency, to improve the quality of the Opium. Should you entertain doubt on this point, we must insist on your adopting the course indicated in the concluding paragraph of that Letter, as we cannot for a moment consent to sacrifice objects so important on account of any personal considerations.

— No. 11. —

LETTER from the Governor-General and Council in *Bengal*, in the Political Department, to the Honourable the Court of Directors for Affairs of the Honourable the United Company of Merchants of *England* trading to the *East Indies*.—(Dated 10 July 1829.)

HONOURABLE SIRS,

HAVING received from the several Political Authorities their answers to the call which was made on them to report the result of their observations on the effect produced by our arrangements, for the restricting the growth and suppressing the exportation of Malwa Opium (as reported to your Honourable Court in paragraph 178 of our Address from this Department, dated 8 May last), we have now the honour to submit copies of all the Documents connected with the Opium question not referred to in that Address, or subsequently received, as well as a copy of the Resolution which, after mature deliberation of the contents of the several communications here referred to, we have passed on this important subject, involving the total abandonment on our part of interference with the growth and transit of Opium throughout Central India.

List of Packet,
Nos. 2 to 38.
No. 40.

2. We deem it unnecessary to occupy the time of your Honourable Court with a repetition of the grounds on which we have considered it imperative on us to adopt the measure abovementioned, as they are distinctly stated in the Resolution. A summary of the correspondence on the subject of our Opium arrangements having been prepared in the Secretary's Office, a copy of that paper is also transmitted, a number in the Packet.

No. 39.

3. On a reference to the Resolution now submitted to your Honourable Court, you will observe that we propose to take into consideration, in the General Department, whether the provisions of the existing treaties relative to furnishing a supply of Malwa Opium shall be kept up with any, and which, of the Malwa states, supposing, of course, that they are willing to continue to deliver the article to us on the present terms, or any others that may be negotiated, and generally, what measures should be taken to provide for the Bombay sales, and extend the cultivation of the poppy in Behar or elsewhere within the Honourable Company's Territories.

We have the honour to be, with the greatest respect,

Honourable Sirs,

Your most faithful humble Servants,

(signed)

W. C. Bentinck.

W. B. Bayley.

C. T. Metcalfe.

Fort William, }
10 July 1829. }

ABSTRACT of CORRESPONDENCE regarding MALWA OPIUM, commencing from the Year 1818 to the Year 1828; in two Parts.

PART 1st.

THE first Paper in the series is a Despatch from the Supreme Government, requesting a communication of the views of the Bombay Government as to the best method of checking the exportation of Malwa Opium, *viâ* the ports of Diu and Demau, for the China market. The Bombay Government state, in reply, that, 1st. As the cultivation of the poppy had been prohibited in Guzerat (in 1803) by the influence of the British Government, so by the same influence the cultivation

Pol^l Cons.
5 June 1818.
No. 95.

tion of the drug for exportation might be prohibited in Malwa: 2dly. That should the prohibition of the cultivation of the drug in Malwa be considered objectionable or impracticable, by cultivating the poppy in Guzerat we should at any time be enabled to drive the Malwa Opium out of the Chinese market.

In the Resolution of Government recorded in the Territorial Department, as per margin, a full review is taken of the question of Malwa Opium, and of the effects it would probably have on the Bengal monopoly, were not our restrictive measures extended to Malwa.

After explaining the relative value of the Bengal and Turkey Opium in the Chinese market (which is as 5 to 3), and showing that there is no ground* for apprehension from the effects of that Opium, provided the price of our Opium be not kept too high, it is observed that, on account of the demand for Malwa Opium in the Chinese market, it is impossible for us to retain our strict monopoly of Bengal Opium; it remained to be considered whether we could obtain supply from Malwa at such a price as to prevent any great deficit in the revenue from the inferior price which Bengal Opium must fetch in consequence of the modification of our monopoly.

The objects that would be attained by a more extended supply of the Chinese market on moderate terms would be, 1st, the prevention of smuggling; 2dly, the expulsion of foreign Opium from the Chinese market. The total amount of foreign Opium supplied to the China market in the year 1817-18 exceeded 3,000 chests, and the supply to Java and the Eastern Archipelago averaged 1,100 chests, making a total supply of 4,100 chests. If then 4,000 chests, in addition to our Bengal Opium (4,000 chests) could be supplied by us from India, it would appear that our Bengal Opium would suffer no material depreciation. The chief object in view must necessarily be, 1st, to obtain the supply of 4,000 chests from Malwa; and, 2dly, to prevent, by restrictive measures, the production of any quantity of Opium in excess of that supply. The scheme, however, of introducing our restrictive measures into Malwa was stated to be liable to many objections, viz.

1st. That it would be an improper interference in the internal affairs of foreign states: 2dly. That it would paralyze the trade and commerce of the country in question: 3dly. That it would render our Government universally unpopular; and it was left to the Bombay Government to propose measures which would obviate those objections.

In a Letter from the Bombay Government, of the 12th May 1820, certain suggestions of Captain Pottinger's are mentioned. That officer points out the necessity of restricting the subjects of Holkar and Scindiah in the Dukkan by the same regulations as the subjects of the British Provinces, from the sale and importation of Opium.

The right of the British Government to search all merchandize that might conceal Opium in its transit through the British territory to Scindiah's Dukkanee villages, is pointed out in the Despatch as per margin.

In the Letter from Bombay of 14th December 1821, the route by which Malwa Opium is smuggled to Diu and Demau is marked out. It is conveyed from Malwa to Paulee, thence to Jussulmere, thence to the port of Kurrachee in Sind, whence it is shipped to Demau. The necessity of prevailing on the Jussulmere Rajah to prevent such traffic in future, was particularly brought to the notice of Government. In consequence of this recommendation a Letter was addressed to the agent in Rajpootana, directing him to use his best endeavours to prevail on the Joudpore and Jussulmere Rajahs to prevent the transit of Opium through their dominions.

By a Despatch of the 27th October 1821, from the Political Agent in Khandeish by that of the Political Agent in Muhee Kauta, dated 10th December 1821, and by a Letter from the Resident in Cutch, of 19th March 1822, the extent of the illicit trade in Malwa Opium, and its transit *via* Khandeish to Jussulmere, and *via* Kureechee to Demau, is again brought to the notice of Government; and a Letter from the Secretary to Bombay Government, reports the arrival at Demau of 1,200 maunds of Patna Opium, and suggests the expediency of issuing orders to our allies in Malwa for the suppression of the illicit traffic.

In a Resolution of the 19th September 1822, by the Governor-General in Council, the original scheme of purchasing 4,000 chests of Malwa Opium is discussed and decided on as to the best means of preventing the illicit export. It is observed that the agent ought never to buy Opium which is not likely otherwise to come

IV.
Administration of
Monopolies.

Opium.

Territorial Dept
1819.
Cons. 12 Nov.
No. 14.

Pol. Cons.
15 July 1820.
No. 99.

Pol. Cons.
14 Nov. 1820.
No. 105.

Ditto 29 Dec. 1821.
No. 70.

Ditto, No. 71.

Ditto, 2 Feb. 1822.
No. 39.

Ditto, 15 Feb. 1822.
No. 24.

Ditto,
14 June 1822. †
No. 53. †

Ditto, 4 Oct. 1822.
No. 87.

Ditto, No. 87.

Para. 6.

IV.
Administration of
Monopolies.

Opium.

Pol. Cons.
25 Oct. 1822.
No. 17.

Ditto,
21 Mar. 1823,
No. 100.

Para. 2.

Terr' Dep't Cons.
12 June 1823.
Nos. 54, 55.

Pol. Cons.
27 June 1823.
No. 77.

Ditto,
18 July 1823.
No. 43.

into competition with the public sales, and that he ought never to give such a price as the private merchant could not afford to give.

With regard to the disposal of Malwa Opium thus purchased, the Governor-General in Council considered it advisable to bring the whole or a great part of it to Calcutta.

On the 14th September of the same year, a Despatch from the Bombay Government announced that the deputy Opium agent in Malwa has secured 11,000 maunds of Opium, and expected to procure 4,000 more. The deputy Opium agent having suggested the expediency of indemnifying the native Chiefs for the losses they sustained on account of the export of Opium being prevented, the Honourable the Governor discountenanced the originating of any offer of indemnification on our part, as he considered it would be a loss of money without any equivalent benefit.

On the 27th February 1823, a Resolution was passed by the Governor-General in Council, by which the vesting of the Opium agency of Malwa in a Bengal civilian was proposed. The reasons for this proposition were, 1st, The necessity of the Opium agent being placed immediately under the authority of the Board of Customs, Salt and Opium; for as the purchase of Malwa Opium is intended to maintain the Opium revenue of the Presidency, the quantity to be purchased, and the terms to be offered must depend on the provision made in Behar and Benares, and on the views which the officers of the department and the mercantile community may entertain. All instructions therefore to the agent should issue from the Supreme Government, and to that Government alone he should submit every requisite information with regard to his proceedings.

2d. Another reason for this proposition was the circumstance that the whole of the supplies required by the agent are raised by bills on the Bengal Province. However, before passing any final decision on the subject, the Governor General in Council requested the sentiments of the Bombay Government on the subject. Previous to the receipt of any letter from the Bombay Government in answer to the above Resolution of the Supreme Government, the Accountant-General from Bengal had brought to the notice of Government the ruinous rate of exchange at which the Opium agent in Malwa had negociated his bills on Bengal. It is stated by the Accountant-General, that as he considered the Opium agent to have been under the authority of the Bombay Government, he did not attempt to exercise any control over that gentleman's credit.

Mr. Warden's Minute of the 30th April, recorded in the Territorial Department as per margin, detailing his sentiments with regard to the proposed measure of vesting the Opium agency of Malwa in a Bengal civilian, and of dispatching the whole or greater part of the Opium purchased in Malwa to Calcutta having been received, the Governor-General in Council proceeded to record his final resolution on the subject. The Governor-General observed that, though it had been declared in Resolution of the 12th November 1819, that the principles of a strict monopoly could no longer be followed, it was never designed to intimate that the Opium concerns were to be conducted according to the maxims of a free trade. So long therefore as the present system of a modified monopoly is continued, it appeared to be essential that the Opium business in Malwa and here, should be conducted as one concern, consequently the interference of the Supreme Government should pervade the whole system; for consistency of system is of all things important. For these reasons, the Governor-General in Council determined on confiding the office of Opium agent in Malwa to a Bengal civilian of rank and high standing, and possessed of judgment, experience and discretion.

In a note of Mr. Secretary Mackenzie, of 10th July 1823, it is observed that, as the price of Malwa Opium depends on the price it will fetch in the Chinese market, it is obviously our interest to bring up such a supply of Malwa as will prevent a glut in the Chinese market, and enable us still to derive a fair profit from our Bengal monopoly. In order to secure such a supply of Opium as will answer these objects, and to prevent a larger quantity being thrown into the market, it will not be sufficient to enter into mere engagements with the different chiefs for the prevention of the illicit trade, but we must give them an interest in the monopoly. This may be done by purchasing the Opium in the first instance at a moderate price, and allowing the chiefs a share in our net receipts. With regard to the total quantity of Malwa Opium to be purchased, it would appear (from the best information before the Government) that 4,000 chests, each containing two factory maunds, will be a sufficient supply; and as we cannot, in order that

that the temptation to smuggling may not be too strong, and to keep out the Opium of Turkey, expect above 600 or 700 rupees profit per chest, the profit on the whole would amount to 28,00,000 rupees. If it were necessary therefore to give a moiety of this, the remainder, or fourteen lacks, would be a larger profit than we have hitherto derived from Opium bought in Malwa. We should, at the same time, preserve our Bengal monopoly.

The internal consumption should of course be provided for by us at a cheap rate.

In conclusion, Mr. Mackenzie observes, that unless we are enabled to introduce a restrictive system into Malwa, it is to be feared that the supply of Opium will be so superabundant as to render our Bengal monopoly of little value.

The deputy Opium agent having represented to Government that Opium purchased for the Honourable Company's sale, had been stopped in Sindiah's dominions by that chief's officers, and a demand of duty been made, the Government in reply, directed the deputy Opium agent to pay the accustomed duty, pending the arrangement of a Treaty on the subject with the Gwaleor Durbar.

A reference had been made by the Bombay Government (13th December 1823) to the resident at Hyderabad, requesting him to prevail on the Nizam to prevent the transit of Opium through his dominions. As the resident in reply stated his inability to propose any such measures to the Nizam's government, the Bombay government forwarded to him copies of a correspondence which had passed between Mr. Russell, the former resident, and the Nizam's minister, from which it appears that the latter had agreed to prevent the transit of Opium through the Hyderabad territories.

In the Letter of Mr. Mackenzie, of the date per margin, the arrangements entered into by the Opium agent in Malwa are approved and commended. It is stated that, as, from Mr. Swinton's Report, it appears that the moment the price fell below 60 rupees Punseeree, the agents of a Bombay house began to purchase, the connection between ultimate *parts* of destination and the province was completely established, and the prices in the latter must depend on those realizable at the former. The difference between them will be regulated by the risk, delay and expense of carriage, and it is necessary to add to these impediments as much as possible. This would be best accomplished by interesting the different chiefs in our monopoly.

Instructions having been issued to the Resident in Rajpootana and Malwa regarding the Opium system, it was proposed by Mr. Mackenzie that similar Instructions should be addressed to the agent at Odeypore, directing him to make the best arrangement practicable with that State for the prevention of the export of the Opium. Compensation of course must be granted for any loss occasioned to the State by the prevention of the traffic. In the correspondence of the date per margin, the Political Agent at Odeypore explains the route by which Malwa Opium is conveyed to Demaun *via* Odeypore, Jessulmere, the mouths of the Indus, states that the compensation for which the Odeypore government might be induced to co-operate with us in preventing the export, would amount to near 50,000 rupees. This sum the Boards of Salt and Opium did not consider as too high a price for the co-operation of the Odeypore state.

Captain Cobbe having completed a treaty with the Maha Rana of Odeypore, in October 1824, a copy of it was despatched to the Supreme Government. It consists of nine articles, by the 1st and 2d of which the Maha Rana agrees to prevent the sale and transit of Opium through his dominions. By the 3d, the compensation to be paid the Rana is fixed at 40,000 Sonah rupees. The 4th article stipulates that, in order to prevent disputes or imputation of connivance on the part of the Rana's officers, the British Agent is to have the control of all arrangements and checks necessary to the fulfilment of the treaty.

The 5th article provides for the supply of Opium for internal consumption by the Political Agent: 6th article provides for the confining of such Opium to the internal consumption: 7th, enacts that unlicensed Opium will be confiscated and delivered to the agent, who will pay for it the price current of Malwa: 8th. Half the value of the Opium confiscated to go to the informer: 9th. This agreement to be binding as long as the Honourable Company's restrictive measures exist.

In March 1825 the Opium agent in Malwa forwarded a proposal to the Supreme Government for supplying the districts under Madras, Nagpore and Hyderabad with Opium sufficient for the internal consumption. The agent con-

IV:
Administration of
Monopolies.

Opium.

Pol. Cons.
3 Oct. 1823.
No. 41.

Ditto,
20 April 1824.
No. 93.

Original.

Ditto,
30 July 1824.
No. 20.

Ditto, No. 21.

Ditto,
27 Aug. 1824.
No. 28.

Ditto,
5 April 1825.
No. 54.

24 March.
Pol. Cons.
15 April 1825.
No. 91.

IV.
Administration of
Monopolies.
Opium.

Pol. Cons.
26 Aug. 1825.
No. 17 a. 19.
Ditto,
23 Sept. 1825.
No. 21.
Ditto,
30 Sept. 1825.
No. 85.
Ditto,
30 Dec. 1825.
No. 80.

considered the 1,200 maunds, which was about double the quantity hitherto imported by smugglers into these districts, should be furnished by him.

The agreement concluded by Captain Cobbe with the state of Odeypore having met with the entire approbation of the Opium agent and the Board of Customs, Salt and Opium, that officer was directed to enforce the performance of the conditions of the treaty; and instructions were issued to the resident at Indore, enjoining him to conclude similar treaties with the different chiefs under his authority. The expediency of a similar agreement being entered into with the Jeypore state is also pointed out by the Board.

In consequence of the instructions to Mr. Wellesley, Major Caulfield, Political Agent at Kota, concluded an agreement for the term of six months with that State. The terms of the settlement were stated by Mr. Swinton to be highly satisfactory, and that gentleman considered that there would be no difficulty in renewing it, should it be approved by Government.

In pursuance of the system of compensation, the sum of 3,500 rupees per annum was granted to the managers of Ameer Khan's Pergunnah of Nemaherah in Meywar, in order to make up to that chieftain the amount of transit duties in Opium. In the Letter of the Secretary to Government, addressed to the Board of Opium (in reply to their Despatch announcing the temporary settlement made by Captain Caulfield with the Kotah government), it is remarked, that as the co-operation of the state of Kotah is very essential, it is much to be regretted that that state was not permanently included in the contemplated arrangements. With regard to the amount of compensation, it must be sufficient to interest the Raj Rana in our measures. By paying a fair average price for the quantity of Opium required by us, and by paying the Rajah either a certain fixed sum or a bonus on the quantity of Opium, say five rupees per punseeree, we should probably attain every object in view, even should the sum to be paid amount to one lack of rupees, the Government would not object, provided by paying this sum we should be enabled to prevent the export of the drug, and keep down the cultivation. The general plan of 1823 should be kept in view; the main object is to secure the co-operation of all the States (whose aid is necessary) in order to prevent the export of Opium to the Coast; and it should be remembered that it by no means follows that we are to give up the whole scheme because some of the detailed arrangements are inapplicable.

Another great object is to provide for the internal consumption of the countries to the north-west at the most moderate rate.

Ditto,
17 Feb. 1826.
No. 87.

In the Despatch of February 1826, the necessity of giving the state of Kotah an interest in the success of the restrictive measures is again adverted to. It is essential that the quantity of Opium to be taken by us, and the price to be paid, should be fixed. The quantity should not exceed 3,000 maunds, and on that alone is a bonus to be paid, or, should the bonus be given up, a fixed rate may be given.

The amount of bonus may be raised to seven rupees per punseeree on 3,000 maunds if necessary.

Ditto,
15 Sept. 1826.
No. 34.

An engagement was concluded by Captain Aloes with the Amjeerah authorities in September, by which they bound themselves to co-operate in our restrictive measures. The quantity of Opium to be purchased by us was fixed at 80 maunds, at 30 rupees per punseeree; and a bonus of 5,000 was agreed on, provided the Amjeerah authorities punctually fulfilled the conditions of the settlement.

Ditto,
9 Feb. 1827.
No. 9.

In a Despatch from the resident at Delhi, dated as per margin, addressed to the Governor-General whilst absent in the Upper Provinces, is contained the first remonstrance of the Kotah government against our restrictive system. It is therein stated, that in the year 1826, 4,000 maunds, at 33 rupees per punseeree, had been agreed on; that, in consequence of our system, persons of all ranks were exposed to a search for Opium on quitting the city, the town frontiers of Kotah; that the people were in consequence discontented, and a loss of 60,000 rupees had been incurred by the Raj Rana; lastly, it is stated that the monopoly had a tendency to cramp the trade of the country, and divert capital from its natural channel.

Ditto,
9 Feb. 1827.
No. 10.

In a Despatch noticed in the margin, Sir C. I. Metcalfe proceeded to record his sentiments, both on the complaints of the Kotah government and on the general question of the effects of our restrictive system on the welfare and prosperity of Central India. He expresses his conviction, that the treaties already concluded with some of the native powers in Rajpootana, were procured by an

improper

improper exertion of our irresistible influence; that such measures are alike detrimental to the people, to the princes, and must ultimately be so to us; and such being the state of affairs, he recommended that we should resign our pecuniary profits, rather than forfeit our name and reputation.

The acting political agent at Kotah, (E. Gordon, esq.) in answer to a Letter from Sir C. I. Metcalfe, on the subject of Opium, states his opinion, that our attempt to secure the monopoly of Opium in Rajpootana, are held in universal horror; and "that complete success can only be attained by such a mass of evil, as must make every good and wise man shudder."

In February 1827, a further representation was made by the Kotah government, praying to be released from that part of its agreement which refers to the Sath Mahla, held in farm by the Raj Rana, from Sindia. In consequence of the complaints of the Kotah government, a Letter was addressed to the resident at Indore, under the orders of the Governor-General, requiring from him and the Opium agent conjointly, specific information with regard to the principal objections urged against the restrictive system.

In the answer furnished by the Opium agent to the above queries of Government, in which Mr. Wellesley expresses his entire concurrence, it is stated:

1st. That no extraordinary influence was exerted or was necessary, to obtain the consent of the several states of Malwa, to our Opium arrangements; that they readily entered into them, for they saw it was their interest to do so; and that, though some, in particular Holkar's minister, Tantia Jogh, publicly expressed dissatisfaction at having signed the treaty, this was merely, as Tantia Jogh himself intimated privately, with a view of keeping up appearances with the Soukars.

2d. That the smell of Opium is so very strong as to render any vexatious search unnecessary; and that no evil is practically experienced on that account.

3d. That previous to our pacification of Central India, little Opium was exported; that is to say, the produce previous to 1817, averaged 10,000 to 15,000 maunds, whereas in 1823, it was from 35,000 to 40,000 ~~rupees~~ *h-a-m*.

4th. That the price paid by us is fair and liberal, and enables the Ryot to pay his increased rent.

5th. That the extension of poppy cultivation did not benefit the Ryot, as his rent was proportionably raised.

6th. That the Soukars alone were discontented with or injured by our arrangement.

7th. That if Jyepore and Kishengurh would co-operate with us, the export from Kotah might be stopped without that state's entering into our measures; and that it was the conviction of the possibility of this circumstance, that induced the Raj Rana of Kotah, to conclude the settlement.

8th. That the existing treaties, if fully acted up to, prevent exportation from Sindia's territories in every direction, except by rounding Kotah to the E. I S *via* Kichwara and Sheopoor, into the Jyepore state.

Lastly. That the alarm of Sindhia's manager at our measures, and their anxiety to be included in our arrangements, show that our measures are efficient, and that our treaties are considered fair and liberal.

In consequence of the Opium agent concurred in by the resident at Indore, instructions were issued to the latter officer approving and confirming the measures which had been entered into for the preservation of our modified monopoly, as follows:—

1st. The Treaties concluded by the resident with the states of Indore, Dhar, Amjheera, Rutlam, Silonee and Seetamow, were confirmed and sanctioned.

2d. Instructions were given to the agent in Bhopal to enter into Treaties with the states under his authority.

3d. It was left to the option of the Kotah Rana to confirm his engagement or not; but his assertion with regard to the Sath Malla formed from Sindhia, was stated to be unfounded, as the late Maha Raja Dowlut Rao Sindhia repeatedly signified his willingness to co-operate in our restrictive measures.

The sentiments of the Governor-General were also transmitted to the resident at Delhi, who was further directed to authorize the political agent at Kotah to enter into a fair and free negotiation with the Raj Rana on the subject of our modified monopoly.

In a Despatch of the 20th September from the political agent at Odeypore, the success of the restrictive system is mentioned, and an enlargement of his establishment for the preventive service solicited.

IV.
Administration of
Monopolies.

Opium.

Pol. Cons.
9 Feb. 1827.
No. 11.

Ditto,
23 Feb. 1827.
No. 25.

Ditto,
30 March 1827.
No. 9.

Ditto,
22 June 1827.
No. 50.

Original.

Original.
Pol. Cons.
1 June 1827.
No. 99.

Ditto,
1 June 1827.
No. 100.

IV.
Administration of
Monopolies.
Opium.

Pol. Cons.
21 March 1828.
No. 72.

The agent states that he had heard of no dissatisfaction being caused by the system; that so long as the internal consumption is fully and cheaply provided for, the Ryot will be satisfied; and that the ruler will remain contented as long as our compensation to him is fair and liberal, which it is at present. Sir C. Metcalfe, in a Minute recorded on the 10th October, decidedly objected to any further grant of establishment on account of our Opium system to the political agent at Odeypore. He declared his opinion that the exercise by the political agent of the powers of search and interference was unjustifiable, as injuriously affecting the sovereignty of the Maha Rana of Odeypore in his own dominion, and contrary to Treaty; that a revision of our Opium system in Rajpootana is most necessary, or that should the Governor-General in Council not be disposed to revise the present arrangements, a thorough inquiry be made, for the purpose of ascertaining, to satisfaction, the feelings that exist in foreign states on this subject.

Ditto,
21 March 1828.
No. 73.

Mr. Bayley, in a Minute of the 28th November, expressed his opinion that the right of search and stoppage exercised by the political agent in Odeypore was justified by the Fourth Article of the Opium Treaty; that the Princes in Malwa are liberally remunerated for their concurrence in our views; and that the interests of the Ryots are not materially involved in the question. In deference, however, to Sir C. Metcalfe's decided opinion of the ruinous effect of our restrictive measures, Mr. Bayley coincided in Sir C. Metcalfe's proposition, that a full and faithful inquiry be instituted on the subject, provided the conduct of such inquiry be entrusted to a competent and unprejudiced individual.

Ditto,
21 March 1828.
No. 74.

In the Minute of the Governor-General of the 1st December 1827, his Lordship expressed his disinclination to abandon our present restrictive system in Malwa, but at the same time considers it expedient that the proposed augmentation to Captain Cobbe's establishment be deferred until the inquiry proposed by Sir C. Metcalfe, and approved by Mr. Bayley, be concluded. In a subsequent Minute, Sir C. Metcalfe again urged his sentiments with regard to the pernicious effects of our Opium monopoly. He further observed, that from the new state of things which has arisen in Meywar, viz. the employment of bands of mountaineers in the forcible transport of Opium, it appeared that any restrictive measures on our part must be unavailing; and that, in his opinion, the Odeypore Rana is a sovereign Prince, the independence of whose internal rule we are bound to protect, even should the pecuniary sacrifice be as heavy as has been apprehended.

Ditto, No. 75.

Ditto,
21 March 1828.
No. 76.

With reference to a Despatch of 27th January 1828, from the acting agent in Harowtee, Sir C. Metcalfe again brought the subject of our Malwa monopoly to the notice of Government, in a Minute recorded as per margin. From this Despatch, it appeared that an affray had taken place in Boondée, between the Opium smugglers and the Raja's troops, when a relation of the Raja was killed. Sir C. Metcalfe, implored the Government to revise the present system, which is so destructive of human life, and thus check the feeling of discontent and dissatisfaction, which exists in consequence of our Opium restrictions.

Ditto,
21 March 1828.
No. 78.

(signed) *G. T. Lushington.*

PART II.

In consequence of the foregoing discussions, it was determined at the commencement of Mr. Bayley's administration, to institute a full and faithful inquiry into the effects produced by our arrangements for restricting the growth and suppressing the free exportation of Malwa Opium, on the interests and feelings of the princes and people of all states affected by their operation. Circular Instructions were accordingly addressed to all Political Officers employed in the Malwa and Rajpootana Field, on the 21st March 1828, indicating the principal heads of inquiry, and calling upon each to state candidly and unreservedly the result of his observations and reflections on the whole question. The Bombay Government was, likewise, requested to furnish a communication of its sentiments.

Ditto,
21 March 1828.
No. 79.

Ditto,
21 March 1828.
No. 80.

Ditto,
27 June 1828.
No. 48.

Ditto,
22 Aug. 1828.
No. 33.

Mr. Wellesley, the President at Indore, has as yet sent no direct reply. The call was repeated on the 27th June. He stated in answer as follows: "I consider my replying to your Opium circular of the 21st March last, would only be subjecting myself and Government to a supererogatory trouble, after having already in my Despatch to you of the 16th March 1827, afforded replies conjointly with Mr. S. Swinton, the late Opium agent, to the queries of a similar tenor before addressed to me, and having expressed my sentiments on the subject

on

on various other occasions of a specific and practical nature, as they arise in the progress of the concern." " I felt too sensible, that to enter into disquisitions on points of dubious and speculative nature, besides taking up time which I could ill spare for such an undertaking, would be only affording matter for continued debate and controversy; tending to keep up hesitation and indecision regarding the arrangements, to the prejudice of the Company's interests, and would be better, therefore, avoided by me." This letter having been submitted to Government, Mr. Wellesley was informed on the 22d August, that the Governor-General in Council considered it to be his duty to furnish distinct and specific answers to the several heads of inquiry stated in the circular letter of the 21st March last, and desired accordingly that he would prepare and forward a reply thereto with the least further delay practicable.

The following is the substance of the answers received.

Sir E. Colebrooke concurs entirely in the opinions expressed by his predecessor, Sir C. Metcalfe, on the Malwa Opium question. He combats in detail the statements and arguments of the Opium agent, Mr. S. Swinton, concurred in by the resident at Indore, in defence of the present system, which have already been noticed above. Sir E. Colebrooke doubts whether the acquiescence of the native Princes in our Opium treaties could in any instance be termed, properly speaking, voluntary, and considers that the right of search for what is called Contraband Opium is, in all probability, made an instrument of extortion and oppression. Admitting the export trade of Malwa Opium in any extent to be modern, and the result of our own measures for the pacification of Central India, Sir E. Colebrooke questions our right to deprive the native Princes of the benefit of the improved condition of things effected by ourselves. The price paid by us for the Opium delivered under treaty is not, in his opinion, a remunerating one, and our measures to reduce the cultivation of the poppy could only be carried into effect by a local inquisition of the most vexatious and oppressive nature. Sir E. Colebrooke is farther of opinion that our Opium arrangements must have excited discontent and suffering among the states and people of Central India, though he cannot speak from his own personal knowledge. They are also incomplete, as no treaties can be effected with Jyepore, Joudpore, and Kishengurh, or with Sindia's Government; and it is impossible to prevent the exportation of the drug in large quantities through the Bheel tracts of Odeypore and Kotah. All our precautions being thus insufficient to block up the passage even through Oudepore and Boondee, where our restrictive engagements have been accepted, and a new outlet having been found through Kishengurh and Marwar, where no restrictions exist, a question arises, whether the half measures which we are able to enforce, are worth maintaining at the risk of the dissatisfaction to which they give birth. Even if we could be satisfied that the agricultural classes have nothing to complain of in regard to the arbitrary price affixed upon the produce of their labour, and the restrictions imposed on it, and that the rulers are even benefitted by our arrangements, still the dissatisfaction of the mercantile interest, or what is called their clamor, in other words, their despair, at the prospect of losing the profits on the trade of Opium, the chief natural export of the country, must be deemed entitled to some attention. Sir E. Colebrooke concludes by suggesting that it might be more practicable and effectual to control the export of Malwa Opium by sea, by acquiring the port of Demaun, than any attempt can be to limit the cultivation and intercept the transit of the drug through the whole extent of Central India.

Mr. Clerk states that Jyepore is no producer, and consequently no exporter of Opium. Neither is it a consumer of the drug to any great extent. The only effect felt in that territory from our restrictive measures, was in the first instance a rise of price in the drug required for internal consumption, which was subsequently obviated by the abundant contraband importation of the Meenahs. Mr. Clerk notices that the Court of Jyepore exult and triumph in being exempt from the Opium engagements which are considered to have been enforced on neighbouring states in violation of their independence.

Mr. Cavendish observes, that none of the states under his official cognizance, have entered into Opium engagements. The rulers of Joudpore and Jesselmere, complain of the scarcity and dearness of Opium, the latter of the falling off of his transit duty. The Kishengurh Rajah, is well pleased with the arrangements, as his country has become a grand emporium for the drug. Mr. Cavendish also gives some details regarding the extensive exportation of contraband Opium from

320. D.

F

Malwa,

IV.
Administration of
Monopolies.
Opium.

Pol. Cons.
22 Aug. 1828.
No. 34.

9 July 1828.

Off^r Pol. Agent at
Jyepore, 20 April
1828.

Pol. Agent in
Ajmeer, 19 April
1828.

Chandestine
by native c

IV.
Administration of
Monopolies.

Opium.

Sirowey,
31 May 1828.

Major Caulfield,
20 March 1828.

Malwa, by the Menahs of Oudeypore, Kotah and Bundu, which is either sold for money at Kishengurh, or there exchanged for goods; the Rajah of that petty principality having formerly declined to enter into a treaty with us.

The territory of Sirowey is in no way affected by our Opium engagements. Captain Spiers states, however, that some of the mercantile classes who had recently returned from Malwa to their ancient homes in Sirowey, in talking of those arrangements, question their justice, and describe them as cramping all speculation in trade, and as being likely to ruin the commerce of Malwa.

Major Caulfield is deeply impressed with dissatisfaction, engendered by the system under discussion, which is unpopular with every individual, however high or low he may stand in society. The forced reduction of the cultivation of the poppy must injure the Ryots of Malwa, as they find difficulty in substituting any other article yielding an equal profit. Opium being the staple commodity of the Kotah country in particular, the suppression of the exportation must be attended with very alarming deterioration of the revenue of the Prince, and with serious loss of profit to the merchants. The ruler of Kotah may be considered, perhaps, as receiving from the British Government a fair indemnification personally, and as a sovereign for the loss inflicted by the Treaty, though not for what he might gain, if like the celebrated regent Zalim Singh, he entered largely into commercial transactions; but in a political light he must be a great sufferer, as the present Raj Rana has incurred much odium among his subjects, by concurring in our views. The manner in which the search for smuggled Opium is conducted at Kotah, is considered by Major Caulfield to be highly offensive and oppressive to the people; and the frequent remonstrances which, to ensure the due enforcement of the whole system, our agents are obliged to address to the native governments, cannot be otherwise than painful and distressing to them. The treaties were entered into by the native Princes, on a principle of deference to the supreme power of the British Government. They consider them injurious and humiliating, and would gladly be released from them, provided they are not exposed to the consequences of other and worse measures adopted in their stead. Major Caulfield does not think that any modification of our Treaties, which he states to be as liberal as they well can be, would render them palatable to, or consistent with the interests of the states in which the poppy is cultivated. He doubts whether any great actual reduction of the poppy cultivation has been as yet effected under the system introduced in 1825, and believes that a very considerable quantity of the drug finds its way from Malwa and Rajpootana to Demaun, spite of all our restrictions, it being transported both in small quantities by separate individuals, and by large armed bands of Meenahs, who set the constituted authorities at defiance.

Lieutenant Hislop enters into a highly able and comprehensive discussion of the whole question, under six different heads. The results and conclusions at which he arrives are in substance as follow :

Between 1819 and 1825, the price of Opium varied from $21\frac{1}{2}$ to $8\frac{1}{2}$ rupees the seer; in 1825, they fluctuated between 8 and 10 rupees the seer. In 1825-6, when our restrictive system was introduced, the price suddenly fell to about Rupees $4\frac{1}{2}$ the seer, in the Kotah territory, whilst in the neighbouring dominions of Sindia, it retained its former rate. The difference has gradually been lessening, but still amounts, in the average, to nearly one rupee in the seer. Lieutenant Hislop doubts, whether anything can be found in the history of Sahookaree rapacity, of which so much has been said, to equal the injury inflicted on the cultivation of the soil by this arbitrary and enormous curtailment of its natural profits. Lieutenant Hislop is also of opinion, that the price paid to the cultivator under the present system (R' 23 the punseeree,) is insufficient to enable him to meet the contingencies of seasons, and that he is still further injured by that article of the Treaty, which provides for the forcible reduction of the Opium culture to the extent of one-fourth, as the general state of the market for agricultural produce is not such as to afford him any other more profitable mode of employing his labour and stock.

The injurious effects of our measures on the interests of the mercantile body, cannot be questioned. The consequences of a change from a state of constant war and internal disturbance, to one of peace and tranquillity, are said to have been an excessive production, and a glut of all commodities. The increasing demand for Malwa Opium, subsequent to 1819, had brightened the hopes of the merchants

chants of Central India, but when that profitable source of traffic was closed against them by our interference, their ruin as a body became complete.

Lieutenant Hislop then proceeds to show that the Raj Rana, if his own statements are accepted, incurs an additional annual expenditure of Rs 32,801, in consequence of his Opium engagements with the British Government, or, taking the view of the subject most favourable to ourselves, his utmost gains cannot be said to exceed Rs 15,354. This pittance must form a poor compensation, indeed, for the sacrifice of feeling, both personal and political, which our arrangements occasion to the ruler of Kotah. Strong instances are adduced by Lieutenant Hislop, to show how degrading our system of searching for and seizing contraband Opium necessarily is to the Prince, and insulting and oppressive to the mass of the community, in its practical operation, although every disposition may exist on the part of the agent to exercise his interference in a spirit of mildness and forbearance.

Lieutenant Hislop denies that the states of Boondée and Kotah voluntarily entered into the Opium Treaties with us; and proves, by a reference to the Public Records, that throughout the discussions they manifested the utmost aversion to those engagements; that the Boondée authorities submitted to them only when the question was reduced to a choice between the friendship or enmity of the British Government; and that the Raj Rana, with the strongest impression of their injurious effects, had always declared that he agreed to them solely in deference to our will and pleasure.

The acting agent thinks that it is impossible to effect reduction to the extent desired, in the cultivation of Malwa Opium, without exercising a direct scrutiny and interference which the Treaty does not give us, and against which the Raj Rana would certainly remonstrate in the strongest manner. Details are submitted at length regarding the extent to which the unlicensed traffic in Opium is carried on by the N. W. route through the Oudeypore and Boondée countries, and the serious character of daring violence and enterprize which it has latterly assumed. The great and prominent defect in our measures is that they do not include much more than one half of the territory in which the poppy is grown, the whole of Sindia's extensive possessions in Malwa being exempt from their operation. Such are the nature of the intervening countries, the adventurous daring and turbulent character of some classes of their inhabitants, and the high rewards given by the Sahoo-kars, that, with every exertion of the native governments, who receive pecuniary compensation from us, it is impossible to stop the exportation. The troops of the Boondée state have already suffered severely in their conflicts with large armed bands of smugglers; yet it is calculated that, during the last year, not less than ten or eleven thousand maunds were carried out of Malwa through the Boondée and Oudeypoor territories, whilst the quantity seized and confiscated did not exceed 600 maunds.

Deeply convinced that the just and due maintenance of our supremacy in Central India is incompatible, as well in principle as in practice, with our monopoly of Malwa Opium, Lieutenant Hislop thinks that the wisest and most politic course would be to absolve such states as may desire it from their engagements, even though the utter ruin of the Bengal monopoly should be the consequence. At the same time that this option is allowed, he conceives that a modification of the existing system might be offered for their free and willing concurrence, having for its leading objects to make the Malwa monopoly to the utmost extent beneficial to the states and people who are affected by it, and, at the same time, to maintain the value of the Company's Bengal monopoly. The first step for the accomplishment of the former object, and which at the same time would not be inconsistent with the latter, is to divide more fairly and equitably than at present, the profit drawn by the British Government from the sale of the Malwa Opium. Thus upon the quantity furnished by the Kotah government annually, that state receives only 1,62,000, whilst we take the lion's share of 5,86,920. The acting agent concludes, however, by observing that, on the whole, he feared it is not possible to strike out any modification of the existing system, by which we can secure our object of limiting the supply of Malwa Opium, and at the same time sufficiently conciliate the several interests affected by our arrangements. The cultivator wants unrestricted cultivation, the merchant perfect freedom of trade, and the ruler what will satisfy these two most important classes of his subjects, and preserve the independent authority and dignity of his government. In fact, with every one of these wants, the due enforcement of our restrictive system is quite incompatible.

IV.
Administration of
Monopolies.

Opium.

IV.
Administration of
Monopolies.
—
Opium.

Major S. formerly
Head Assis^t to Re-
sident at Delhi, and
Act^g Agent in Mey-
war, dated 25 April
1828.

Major Sutherland commences with referring to a Letter which he had addressed to the resident whilst acting as political agent in Oudeypore, at the end of 1826, reporting on the complaints which had reached him from several of the inhabitants of the provinces, on the subject of our Malwa Opium arrangements. He thinks that the interests of the cultivators are less injuriously affected by our arrangements than those of either the merchants or the rulers of the states to which they extend, under the supposition that a remunerating price is given, and that no measures have been taken for directly limiting the quantity of the poppy cultivation in the province. On the other hand, there can be no doubt but that the interest of the bankers and merchants of Central India have been most injuriously affected by our measures, and they loudly complain of them. Opium is now considered the great staple commodity of these countries, and our treaties which bind their rulers to give up to us all that is produced in excess of the quantity required for home consumption, are nearly destructive of all foreign trade with other regions of India, and with those beyond the Indus. Major Sutherland considers the insolent and overbearing conduct of the spies and menials employed under the political agent in Meywar, in enforcing the restrictive system, to be one of its worst evils, and mentions an instance which had come under his own observation, of the excesses they are in the habit of committing. Neither persons nor property can pass through Meywar without undergoing a degrading and vexatious search, if such be their pleasure. That such a system is injurious to the honor and independence of the state in which it is carried on cannot be doubted. Even the Maharana of Oudeypore appeared to feel it as such, although caring little for the interests of his people, so long as he derived a profit from the compensation granted to him in lieu of transit duties formerly levied on the drug. The minister's statement left in Major Sutherland's mind the impression that the treaty with the Oudeypore government had not been negociated on terms of equality, but that the Rana's assent being required by the political agent, it was given. Major Sutherland further thinks that all our Opium treaties in Rajpootana have been submitted to from deference to the will of a superior power, and never cordially and voluntarily adopted. Those states which have kept clear of them have obtained credit in the general estimation. Another evil of no small magnitude is the difficulty which those to whom Opium is a necessary of life experience in procuring the drug, and the high price at which it is procured under the existing system. Although the search for contraband Opium has been carried to a greater extent in Oudeypore than elsewhere, yet in all quarters the inquisitorial powers with which our servants are necessarily vested, must be alike offensive to the rulers and vexatious and oppressive to the people, and consequently odious and unpopular. Notwithstanding the harassing measures pursued to check it, a considerable quantity of Opium is smuggled into countries beyond our reach, even through the Oudeypore territory. In fine, considering it quite impossible to reconcile our interests in the question with those of the other parties concerned, Major Sutherland's opinions are entirely adverse to the maintenance of the existing attempts at control and prevention.

Captain Cobbe,
Pol. Agent in Mey-
war, or Oudeypore,
25 June 1828.

Captain Cobbe, who arranged our Opium Treaty with the Maharana of Oudeypore, is of opinion that the cultivators in that territory have been very slightly affected by our restrictive measures in any way, certainly not unfavourably. The high tax levied in Meywar on the lands appropriated to the poppy, and the low comparative estimation in which the drug produced there is held by the Rajpoots, are probably the causes, he observes, why the cultivation has always been very limited, and has never, in fact, nearly equalled the local consumption.

In considering the effects of the restrictions on the mercantile classes and general trade of the Rana's territories, Captain Cobbe enters into some detail. As far as the direct trade is only concerned, he maintains that they have not been disadvantageous; but it is obvious, he adds, that the transit trade must suffer materially, "except a barterable substitute for the drug can be found." He does not think that it would be difficult to provide such a substitute, and is of opinion that practically the restrictive system has (confining his observations to Meywar) occasioned little or no loss to the cultivating or mercantile classes, and that with a little attention on the part of the Rana's government, it may in a few years be rendered advantageous to his country.

Captain Cobbe asserts that to the Maharana personally our arrangements are certainly favourable, and that the treaty with him was entirely voluntary on his part, and approved by his son and principal officers after full and free discussion.

The

The only object of interest to that prince and his advisers seemed to be to secure the largest possible amount of bonus or remuneration. Since the conclusion of the treaty, the enormous sums derived from the confiscations have unquestionably rendered it a very profitable engagement both to the Maharana and to many of the chiefs and other inhabitants, who have been successful in intercepting the illicit convoys, and consequently, so far from wishing to cancel the present agreement, both the sovereign of Odeypore and his chiefs would regard the abolition as a very severe misfortune, and anxiously deprecate it.

The route through Meywar is so direct, short, and in every way convenient, that Captain Cobbe conceives a constant and vigilant attention on the part of the British officer resident at that court will be absolutely necessary for some years to come; but he is sure that the late ruler did not, and firmly believes that the ruling prince does not, consider the mode in which that vigilance is exercised as incompatible with or encroaching on his sovereign rights. Such indeed is the want of confidence which they feel in their own kamdars and public officers, that nothing would induce the Odeypore government to take into its own hands the charge of managing the system of preventive measures. Captain Cobbe also denies that the mode of conducting the system of search and seizure is vexatious to any except those concerned in the illicit traffic. In support of this view he goes into some explanatory details.

Finally, Captain Cobbe declares his conviction that but a very small quantity of Opium has passed through Meywar, and the very heavy seizures made and daily making in that territory, combined with the enhanced price of Opium at Polee, would seem to show that the measures in force under his superintendence have been completely effectual.

Major Fielding confines his answer to some general observations on the reluctance indirectly manifested by the Durbar of Gwalior to enter into our Opium engagements, and a recommendation that we should not press the proposed Treaty on the Scindia state.

Captain Borthwick thinks that our Opium Treaties in Malwa have produced a certain degree of dissatisfaction, chiefly on account of their having been only partially introduced into that region. The merchants, he observes, are doubtless discontented at being excluded from all participation in the high profits yielded by the external trade in the Opium; but even to them the arrangement has not been without benefit. It has entirely put down that system of excessive and inordinate speculation, which prevailed among the Sahookars to the irretrievable ruin of many a system which had begun to pervade all their dealings, and was the cause of frequent and urgent appeals to the local political authorities from different authorities for their interference to stop it. It was not until the introduction of the Opium agent that the gambling system of the Malwa Sahookars, which had been the ruin of thousands, was put down. If our arrangements were extended to Scindia's districts, and the stipulation enjoining reduction of poppy cultivation modified, Captain Borthwick conceives that all dissatisfaction on the part both of the rulers and the cultivating class would cease, and their engagement with us would be received by them as one conferring secure and substantial benefit. The rulers in the Mahedpore circle, as it is, admit that the prices which they receive for their Opium, including the bonus and profits, is highly liberal, and dwell with satisfaction on the security and regularity of payment with regard to the cultivators; they never before received so high a price for their produce as they do now excepting for a short period immediately preceding the introduction of the present system, during which Opium was raised by excessive speculation to an unparalleled value.

Captain Borthwick declares, that he had not found it necessary, for the due enforcement of the stipulations of the treaties, to deviate in the slightest degree from the general principles by which the exercise of our political superintendence in Malwa has been regulated, or to exercise any minute scrutiny or rigid control, at variance with the sovereign rights of the native states. The system of prevention he considers to have been effectual in his circle, and not a single attempt has occurred in that quarter to force Opium out of the province by armed parties. The preventive system, no doubt, has its attendant evils in the encouragement which it gives to informers, but these affect chiefly the smugglers and others who act in collusion with them. The reduction of cultivation has been trifling, and ought not, he thinks, to be insisted on.

IV.
Administration of
Monopolies.

Opium.

Actg Resident at
Gwalior, 24 April
1828.

Capt. B. Pol. Agent
at Mahedpore,
14 May 1824.

IV.
Administration of
Monopolies.
—
Opium.
—
Original.

Captain Borthwick states, that no means in the remotest degree compulsory, were resorted to by him to obtain the concurrence of the chiefs under his authority in our treaties. After fully explaining the strict prohibitory regulations that were in force against the transportation of Opium through our own territories, and the means we would endeavour to *obtain* to prevent its passage through those of our allies on the confines of the province, and adding such reflections on the ultimate consequences of the extravagant speculations in Opium, which prevailed at the time as those proceedings suggested, he left each and all the states and authorities concerned, to accept or decline them as they might think fit; clearly and distinctly giving them to understand, that it was optional with them to do so or not.

Capt. D. Pringle,
Act^g Agent in
Bhopawwe.

The opinions of this officer, coincide in substance with the foregoing statements and sentiments of Captain Borthwick. He does not consider the existing system to be oppressive, injurious or productive of general dissatisfaction; nor does he admit it to have failed in its operation. It occasions loss, however, he acknowledges, to the wealthier class of merchants, who are thereby excluded from a profitable branch of trade. He recommends the extension of the system to Sindia's districts, and is of opinion, that the native chiefs and princes within his circle are not desirous of receding from their engagements. Captain Pringle adds, that when any natives have insinuated in his presence aught against the justice of our Opium measures, he has requested them to consider for a moment the great expenditure of the British Government in Malwa, incurred entirely in maintaining the public peace, a matter in which their interests are principally concerned, compared with the insignificant amount of its receipts; and also the great benefits which have accrued to the different chiefs, by being relieved from the maintenance of the bands of foreign mercenaries whom they were obliged to support formerly, to secure their very existence, and who not only devoured the substance of their masters, but preyed also on the vitals of their subjects.

Lieut. Pasley, Act^g
Agent in Saugor
and Kauntal,
12 May 1828.

Only one state in this division is under Opium engagements, that of Peertaubghur. Lieutenant Pasley does not think that the agreement is looked upon favourably there, or that it is conducive to the prosperity of the Raj; but does not consider its stipulations as degrading to the Prince, or the mode of conducting the search of smuggled Opium as vexatious to the people. He is of opinion, that until Sindia enters into engagements similar to those which have been concluded with the other states of Malwa, no great advantage will ensue to the British Government from the maintenance of the present system.

Act^g Pol. Agent in
Nimar, Capt.
Spears.

The districts in which this officer is employed, are either British territory, or held by us under a permanent lease; and his answers do not throw any light on the general question.

Capt. Alves, Pol.
Agent in Bhopal,
24 April 1828.

Captain Alves states, that in 1824, whilst employed under the orders of the resident at Indore, he concluded treaties for the restriction of cultivation, and for the future yearly supply of Opium, with the chiefs of the petty principalities of Dhae, Dewas and Anijhera. Those chiefs evinced a perfect willingness to enter into the proposed arrangements, more perhaps from a sense of the obligations they owe to the British Government, than from any particular wish for such engagements. In carrying their provisions into effect, Captain Alves had no occasion to adopt any measure which would involve the smallest sacrifice of the existing good feeling on the part both of the chiefs and their ministers towards our supremacy. He thinks that no material decrease of poppy cultivation has as yet taken place in Malwa consequent upon the new system; and that until some permanent arrangement is entered into with Sindia, no extent of internal interference and vigilance will ensure the prevention of illicit exportation.

The States under the Bhopal agency, who both furnish Opium and are bound to aid in preventing its exportation, are Bhopal itself, Rajgurth, Nursinghur and Kilcheepore. Captain Alves adverts to the measures pursued when we first appeared in the Malwa field as Opium purchasers, and states his belief that a want of system in the commencement of our operations did irremediable injury to the Company's interests, excited strong feelings against all our subsequent measures, and deprived us of that co-operative aid, which, under better management, we might have been able to secure from the people of the country. He considers that the evils which our system is believed to have created, extend chiefly to the Shookars by diminishing their transactions, and rendering their profits small and uncertain. Some loss must be occasioned both to the Chiefs and Ryots, if a reduction of the cultivation should take place, which has not hitherto

hitherto been the case ; and it seems doubtful whether in the larger states any direct measures for suppressing the growth of the poppy would be attended with success. If Opium engagements were made with the Gwalior Durbar, we should be enabled gradually to withdraw from that system of internal scrutiny, and the frequent employment of spies and emissaries, which undoubtedly constitute the most offensive part of our arrangements, and limit the use of the right of search to special occasions only, where universal and excessive smuggling might be discovered. Until Sindia's territories are included in our plan, a most extensive system of smuggling will continue to prevail, spite of all our precautions. The continuance, for any long time, of the present state of things arising out of the system now in force for the protection of our Opium monopoly, must, he conceives, be viewed by Government as full of objections ; our objects are but indifferently attained by a perseverance in it ; whilst it may be presumed to keep alive a feeling of irritation and anxiety in the minds of the chiefs, in whose territories our emissaries are secretly employed, and of the Sahoo-kars, whose uncertain success in smuggling must keep their finances in a state of constant fluctuation.

Captain Alves hesitates to recommend any essential change in the present system, because he believes that much has been already effected to prevent the Opium reaching the coast in large quantities, and because our retiring from interference at this late period would not gain for the Government a just appreciation of the motives which dictated so beneficent and conciliatory a measure. He suggests, however, the gradual withdrawal from that internal scrutiny and vigilance, which places in the hands of low emissaries a power they must often abuse, and repeats his conviction that this might be done with safety, if Sindia's districts were brought within the sphere of our operations.

Captain Johnston, the assistant, in a memorandum which accompanies, declares that the treaties concluded with the above states, were entered into with the free will of all the parties, though, perhaps, they would be better satisfied to be without them. It is allowed by all that the treaties are injurious to the Sahoo-kars. The situation of the cultivators is less effected by them, but they also are thought to suffer. The state of Bhopal has always made objections to restricting its cultivation within fixed limits. The plan of keeping establishments within the territories of other states for the seizure of smuggled Opium is necessarily offensive, and the misconduct of persons placed in situations of temptation, such as this is, cannot wholly be prevented ; but these restraints cannot be dispensed with, and there is no saying to what extent smuggling might be carried if we neglected all precautions of the kind.

Mr. Maddock observes, that Eastern Malwa is only the belt or termination of the Poppy District. The quantity of Opium which it produces is a very insignificant portion of the whole produce of Malwa ; and this tract is only of importance to the general system, as it forms the eastern boundary of the Opium country, along which it is thought necessary to adopt prohibitory measures against the transit of the drug.

The effect of our Opium Treaties in Eastern Malwa cannot, Mr. Maddock thinks, be injurious to the Ryots in general, for he does not see how they are likely to diminish the profits they derive from the cultivation of the poppy, the high or low price of which little affects them, further than leading to more or less land being employed in that species of cultivation. This opinion is founded on the belief that the Government demand always increases according to the profits of the Ryot, and the reward of his labour will not long remain greater in one kind of employment than another. But the poppy cultivation is advantageous to a village, as it gives employment to a number of its inhabitants at a season of the year when there are no other crops to attend to ; and if a large portion of the poppy fields has been thrown out of cultivation by the stipulations which chieftains have entered into to that effect, the agricultural population must have lost employment and suffered accordingly. Mr. Maddock is not aware whether the cultivation has actually been diminished under the Bhopal agency, as the chieftains in that circle have not been called upon to diminish it. He conceives, indeed, that it would be regarded as a very arbitrary and tyrannical act on the part of any of the rulers in Malwa to compel their Ryots to diminish the extent of their Opium fields, and that any vigorous attempts to curtail the cultivation and limit it to a fixed amount would be productive of general oppression and individual injury, and bring a load of odium on the British Government. Such being the case, it has always struck Mr. Maddock with surprise, that the object of restricting the

IV.
Administration of
Monopolies.

Opium.

Capt. Johnston, formerly Ass^t at Se-hore and Acts Agent.

Mr. Maddock, Agent to the Gov. Gen. S. & W. Territories, 11 May 1828.

IV.
Administration of
Monopolies.

Opium.

cultivation of Opium was made a matter of direct stipulation, and that we did not rather leave the extent of the poppy cultivation to be regulated by the same cause that increases or diminishes the production of any other article, viz. the demand for it in the surrounding markets.

The great Sahoo-kars of the country, the former purchasers and exporters of Opium, are, perhaps, the only class who have any good ground to complain of our measures; and it is no satisfaction to them to be told in reply to their complaints, that their own speculations in Opium on an extensive scale are of recent origin. Admitting, however, that they have suffered loss, it does not follow that they have sustained injustice. In all governments, measures must occasionally be necessary for the public good, which cannot be enforced without injury to some particular class. No attempt to change the direction which the industry of a people has taken can be made without individual injury, though public benefit result from the change. In the present instance the security of an important branch of the public revenue is an object of more consideration than the profits of a few great merchants in Malwa. Our measures as above, however, must of course be unpopular, although injustice cannot fairly be charged to the British Government in their adoption.

With regard to the effects of our Malwa Opium system on the native Princes, Mr. Maddock is of opinion that, in point of revenue and profit, they have no reason to complain. He inclines to think, indeed, that we have preserved to them an extraordinary revenue, which, without our interference, they could not long have retained. Unrestricted cultivation of the poppy would in a few years have reduced the rent of the poppy fields; unrestricted exportation would have reduced the value of the drug; and the prosperity of the country, as far as it depended on the stimulus given to trade and agriculture by the opening of the roads from Malwa to the sea-coast, would have suffered a serious reverse. From this the country has been preserved by the measures of the British Government, and the cultivation of the poppy, if less extensive, is more profitable now to the Princes of the country than it would have been if we had never interfered with it. It is to be recollected also that if the British Government had pursued a different policy, as it might with perfect justice have done, and instead of entering into stipulations with the native states of Malwa for the purchase of the Opium destined for exportation, had contented itself with prohibiting the transport through places subject to its own jurisdiction, and purchasing the right of exclusion in other places, the consequences would have been more injurious than any of which they can now complain. Mr. Maddock is fully sensible, however, that the scrutiny and interference which the present system involves, and the exercise of the right of search and seizure through the medium of the lowest of our servants, are objectionable in principle, and must be offensive and injurious to the independence of the native states. Mr. Maddock did not foresee the necessity of keeping up establishments in the territories of the states subject to the Bhopal agency, to enforce the prohibition against the transit of Opium through them, at the time the Treaties were first made; and if they are necessary, he observes, it must be inferred that, however cordially the rulers of the states may have appeared to acquiesce in our plans, they are not really favourable to them.

The agent denies that our influence was unduly or unfairly exercised to obtain the concurrence of the native states of Eastern Malwa in our Opium Treaties, or that their interests, feelings and wishes were neglected or wantonly sacrificed in the negotiations. He thinks our objects in these Treaties have been so far attained that the cultivation is rather on the decrease than otherwise, and that the obstacles which have been placed in the way of exportation, have made it too difficult and precarious to be attempted to any considerable extent.

The state of Bhopal has manifested an aversion to our Treaties, arising from a peculiar source, not because they were deemed unjust, or because the terms of them were unfavourable, or the mode of enforcing them objectionable, but because their objects were mercantile. Adverting to this feeling on the part of a petty state like Bhopal, the agent takes occasion to remark, that the British Government has, perhaps, lowered its character and compromised its dignity unnecessarily, by entering direct into petty commercial contracts with the Princes of the country, when our object, perhaps, would have been equally secured through the medium of inferior agency.

Mr. Maddock adds, that the questions of justice and good faith apply, he presumes, only to our dealings with those states in whose territories the Opium is produced

produced. If the engagements they have entered into were not extorted from them, but were voluntarily contracted, are liberal on our part, and on the whole advantageous to them, he can see no injustice or bad faith in our proceedings. If Kotah, or any other inland state, wishes to be released from its Opium engagements, the point should of course be conceded, but the British Government would not, in that case, be bound to relax in its endeavours to prevent the transit of Opium through the surrounding and intervening states, to the sea coast, and thus those who stand aloof from connection with us in the Opium monopoly, would find themselves deprived of a beneficial market for their produce, and discover that the terms which we have granted are highly favourable to their interests. One of the real objections to our system, that of attempting to limit cultivation by direct interference, Mr. Maddock proposes to remedy by omitting the clause altogether in the Treaty. The other objection, that of our internal interference in enforcing the seizure of contraband Opium, he fears cannot be overcome, unless the system is radically altered, or the native rulers take more interest in its success than they appear to do at present.

Should the Government retire from the Malwa field as the great purchaser and monopolizer of Opium, Mr. Maddock thinks it might still be practicable to preserve the Bengal monopoly by obtaining the power of regulating the duties on Opium, in transit to the coast, and in the districts which produce no Opium through which it has to pass; and in that case we might impose such rates as would be a sufficient check to exports from Malwa, and annihilate the export trade in that direction altogether. He thinks that the duties in these districts might have been and might still be farmed to a British commercial agent; a principle of procedure which would not be at variance with the practice of native Governments, or calculated to give offence. If the general principle of the present system is to be adhered to, Mr. Maddock suggests in conclusion, that two modifications should be adopted; 1st, instead of the price now paid for a limited supply of Opium, viz. 30 rupees per punseeree, and 5 rupees bonus, altogether 35; the Government to receive any quantity of Opium of prescribed quality, that may be tendered at the price of 26 rupees per punseeree: 2d, instead of a bonus on the quantity of Opium supplied, and a share of the profits arising from its sale, the Company to pay a fixed sum per annum equal to whatever is now paid above 26 rupees per punseeree, to the native Prince, in consideration of his strict performance of the duty of preventing exportation. The agent conceives that by these means the poppy cultivation would most likely decrease for want of encouragement, and the sum to be paid to each native Prince would be so considerable, that if his co-operation is to be obtained by making it his interest to co-operate, his exertions might be expected to be greater than heretofore, and all that would be wanting to make the system as little objectionable as possible would at once be attained, if he took an interest in its success, and by his own exertions prevented the necessity of our employing our own agents in his jurisdiction.

No direct answer has as yet been received from the Bombay Government to the Circular Letter of the 21st March 1828; but on the 8th July, the Chief Secretary forwarded a Minute by Mr. Warden, on the subject, and stated, that the replies of the residents and political agents under that Presidency, would be forwarded as soon as received. On the 22d August, the Supreme Government requested to be favoured with a communication of the sentiments of the Governor in Council of Bombay, on the suggestions and propositions contained in Mr. Warden's Minute, and this call was repeated on the 7th of February last.

In the mean time instructions have been issued on the date noted in the margin, founded on a Despatch received from the acting political agent at Kotah, directing that the British agents abstain from all authoritative interference with, and from all control and scrutiny respecting the cultivation of Malwa Opium.

There is now before Government a Despatch from the resident at Delhi, enclosing one from the superintendent of Mairwarah, describing the attempts which are made to export Malwa Opium across that tract, and the effects of that employment in demoralizing the Mairs, and disorganizing the country.

(True Copy.)
(signed) G. Swinton,
Chief Sec^y to Government.

(signed) A. Stirling,
Deputy Secretary to the Government.

IV.
Administration of
Monopolies.

Opium.

Bombay Govern-
ment.

Pol. Cons.
22 August 1828.
Nos. 1 & 2.

Ditto, No. 3.
Since received.
List of Packet,
No. 39.

Ditto,
10 April 1828.
Nos. 27 & 28.
Ditto, No. 26.

Ditto, 2d June.
List of Packet,
No. 27.

IV.
Administration of
Monopolies.

Opium.

RESOLUTION of the Right Honourable the Governor-General in Council in the Political Department, under date the 19th June 1829.

—No. 49.—

THE Governor-General in Council, having taken deliberately into consideration the several Despatches received in reply to the Circular Instructions dated 21st March 1828, and subsequent correspondence, proceeds to record the following observations and resolutions on the subject of our Malwa Opium arrangements.

Although some difference of opinion exists among the authorities employed in Malwa and Rajpootana, regarding the practical effects of the Opium Treaties upon the prosperity of the country at large, and the feelings with which they are viewed by the native Princes, ~~the~~ the general tenor of the evidence now before Government, leads irresistibly to the inference that evils of a very serious nature are inflicted by our monopoly system in Central India, on all who fall within the sphere of its operation.

It has been found altogether impracticable to enforce that part of the original scheme, which contemplated a positive reduction of the quantity of the poppy cultivation; and we have already therefore determined to abstain from any direct interference with the production of the article, and have instructed the local authorities accordingly.

Nearly all our agents concur in representing that our measures for controlling the transit and exportation of Malwa Opium, are vexatious and oppressive to the people, unpalatable and offensive to their rulers; whilst we have abundant proof of their imperfect efficacy in the continually increasing prevalence of smuggling, and the yearly augmentation of the export of the drug from Diu and Damaun to the China market. The intervention of Scindiah's scattered and extensive possessions, which it has been found impossible to include in the general arrangement, would alone defeat our hopes of preventing the escape of contraband Opium in considerable quantities from Central India. And further, the temptations to smuggling are so powerful, the pursuit of the illicit traffic is so congenial to the tastes and habits of the wild tribes and dissolute adventurers who abound in Malwa, and the public sentiment is necessarily so hostile to our monopoly, that it may reasonably be doubted whether the native states, however well disposed to co-operate, and anxious to fulfil their engagements, are strong enough to carry the system into complete effect, either with or without the constant and minute interference of our local agents. In the mean time, there is reason to fear that the repeated and desperate efforts made to pass the Opium beyond the limits of our restrictions by large armed bands of smugglers, and their open systematic defiance of the local authorities whilst engaged in the enterprize, are operating to demoralize and disorganize the country, and to revive the ferocious and turbulent habits of the Meenahs and other uncivilized tribes, in a degree which demands the most serious consideration.

It is difficult to believe that a system of monopoly unavoidably fraught with so many evils, and which, if successful, must destroy the internal trade of the country, by depriving it of the most valuable article of commerce, can really be palatable to the native rulers who have entered into Opium engagements with us, or indeed otherwise than extremely hurtful to their feelings and interests. We have ample and positive evidence, that the treaties are loudly complained of by the states of Boondee and Kotah, two of the most important members of the restrictive confederacy, who have repeatedly solicited to be released from their obligations; and whenever an option has been clearly and unequivocally allowed, as in the case of our negotiations with Jyepore, Kishen Gurh and Scindiah's Government, our proposals have been uniformly rejected.

Impressed with this view of the subject, and being quite unable to devise any middle course of procedure which affords the promise of satisfactory results, his Lordship in Council, cannot avoid the conclusion, that we are bound by paramount considerations of justice and good faith, to withdraw altogether from interference with the growth and transit of Opium throughout Central India, confining our restrictions upon exportation to our own territories, and to Guzerat, Kattywar and Cutch, where the prohibition should still be maintained by the Bombay Government, as it appears from the communications of the Honourable the Governor in Council, that no injury and discontent are produced by our arrangements, which have been in force for many years in that quarter.

His

His Lordship in Council resolves accordingly, that in the case of Odeypore, Boondee, and those states of Malwa and Rajpootana, where our Treaties provide merely for the prevention of the transit of Opium, they be relinquished immediately, under that article which leaves us at liberty to discontinue our Malwa Opium arrangements whenever we think proper; and that every where our establishments be withdrawn from the Interior, and the native chiefs relieved from these articles of their engagements, which prohibit independent exportation.

It will be for consideration in the General Department, whether the provisions of the existing Treaties relative to furnishing a supply of Malwa Opium, shall be kept up with any, and which of the Malwa states, supposing of course that they are willing to continue to deliver the article to us on the present terms, or any others that may be negotiated, and generally what measures shall be taken under this resolution to provide for the Bombay sales, and extend the cultivation of the poppy in Behar, or elsewhere within the Honourable Company's Territories.

(signed)

G. Swinton,
Chief Secretary to Government.

IV.
Administration of
Monopolies.
Opium.

(No. 2, of 1830.)

— No. 12. —

LETTER in the Separate Department, from the Governor-General in Council in Bengal, to the Court of Directors.—(Dated 3 August 1830.)

HONOURABLE SIRS,

IN the present Despatch, we propose to lay before your Honourable Court a succinct Statement of the measures we have taken and propose to take with respect to the revenue we have heretofore derived from Opium, the produce of Malwa.

2. The Bombay Government will have duly reported the proceedings and resolutions adopted by them towards the commencement of the past year, and will have forwarded the Minutes of Mr. Warden and of the Honourable Governor Sir John Malcolm on the subject, the result of which was a reference to this Government made in the Political Department, urging that measures should be adopted to augment the supply of Malwa Opium provided for the Bombay sales, and for consumption within our own territory, or that of our allies on that side of India.

3. On our proceedings noted in the margin will be found an extract from the proceedings in the Political Department, dated 15th May 1829, with a Resolution founded on the representations received from Bombay for augmenting the Opium provision in Malwa.

Cons. 1829.
29 May, No. 20

4. In forwarding this Resolution to the Opium agent, we expressed our concurrence in the views of Sir J. Malcolm, so far as to think it desirable that the quantity provided for Bombay should no longer be limited; but on the contrary we desired the agent to extend his purchases as far as possible, consistently with the regulations as to price laid down in the instructions of this Government, addressed to the Board of Customs, Salt and Opium, on the 3d September 1824.

5. The demand in China we had noticed to be largely increasing, besides that the supply for local consumption was stated to be insufficient, we directed the agent's attention however to the necessity of vigilantly inquiring whether, under the name of local consumption, the article might not be carried through indirect channels for exportation by sea. In this observation we referred particularly to the large supplies required annually for Ahmedabad, which it will be seen we afterwards noticed more pointedly.

6. The next paper to which we have to draw your attention is the Resolution adopted in the Political Department on the 19th June following, for abandoning the system of restriction on the export and transit of Opium in Malwa, which was the basis of the form on which we then drew revenue from the article, viz. that of monopoly, or exclusive purchase for resale to exporters by sea. The grounds of this change of measures were in great measure political, and have been explained at length in that department. The resolution was transferred to the separate department, in which we now write, in order that it might be there determined what measures

IV.
Administration of
Monopolies.
Opium.

should be taken to maintain the revenue, or as much of it as was possible, under the new scheme of relations with the powers of Malwa, that would subsist after we had withdrawn from the engagement contracted for the prevention of the transit and exportation of the drug. The attempt to set restraints on the growth of the poppy had before been given up, under orders from this department; but the Opium agent had been allowed to make his contracts and arrangements for the ensuing season, on the assumption of the old system's continuance in other respects.

7. In this state of things our Secretary laid before us a note pointing out the difficulties of the position into which the concern would be brought by the sudden abandonment of the restrictive system.

8. In a Letter, dated the 6th June, the agent had recently reported the arrangements he had made to obtain a full year's provision, so as to allow a sale of 4,000 chests in Bombay, and meet the wants likewise of internal consumption. The sources of supply were, first, Treaty Opium furnished by states and chiefs at 30 rupees the punseeree, 10,063 Surat maunds; secondly, store of the preceding year in hand, about 2,000 Surat maunds; thirdly, by contracts with merchants, the agent had secured a provision of 4,550 Surat maunds, at nominal prices of 30 and 20 rupees the punseeree, but with the condition annexed of granting passes to Palee for 20 and 55 per cent. of the quantity delivered under the contracts. Of the above provision, 14,600 Surat maunds, equal to 4,000 chests of 140 pounds each, were for the Bombay sales, and the remainder to meet the consumption indents amounting in the aggregate to 2,245 Surat maunds.

S ^t M ^{ds}	-	10,063	
—	-	2,000	
—	-	4,550	
S ^t M ^{ds}	-	16,613	
Ahmedabad	1,847	-	-
Boondee	-	300	-
Nemoun	-	40	-
Dehlee	-	32	-
Doongurpoor	26	10	10
	2,245	10	10

9. We had to determine whether to prosecute measures to obtain the supply for Bombay under the altered state of things, and whether to continue to provide Opium for consumption in Ahmedabad and elsewhere, now that transit, and consequently purchase for the purpose would be free. But the question that most pressed was, what was to be done in respect to the contracts made with the condition of passes, and generally the footing on which the concern was to be carried on under the altered state of things produced by the abandonment of the system of restriction and monopoly.

10. The following is the substance of the instructions we addressed to the Opium agent on this important subject: "With respect, first, to the contracts made with the condition of passes, we observed that there need be no change made in granting them, until the Sahookars ceased to require them, or complained that they were not productive of the advantage expected. In either of these cases it would, we conceived, be necessary to tender some equivalent compensation, if required, or at any rate to allow the merchants the option of being absolved from their contracts. Future purchases must, of course, be made without this embarrassing condition."

11. The former restrictions in respect to transit and export of the article having been taken off, we desired the agent not to consider himself any longer under obligation to furnish Opium for consumption to any state not within the limits still protected by restrictive arrangements. Boondee, Nemaum and Doongurpoor were in this predicament. Whether Ahmedabad was also expected, must depend on the nature of the arrangements that might be made at Bombay for preventing the exit of Opium by sea, that is, on the line which it might be resolved to guard for this purpose. If Ahmedabad should fall within that line, so as not to be accessible to traffickers in the article, it would of course be necessary to provide, on requisition, a sufficiency of Opium for the internal consumption of the protected limit, but it was to be hoped that at any rate the quantity heretofore indented for on account of the consumption of Ahmedabad would admit of decrease.

12. The agent was instructed to correspond with the Government of Bombay on this as on all other questions connected with the provision and dispatch of the Opium of Malwa; and we requested the Honourable the Governor in Council to make known to the agent his sentiments and intentions as to the future, consequent upon the resolution taken by the Governor General in Council in the Political Department, on the 19th June.

13. A question has been put in the agent's Letter, dated the 30th June, regarding the expediency of granting passes for private Opium to be conveyed to Bombay,

in lieu of compelling the merchants to take the western route for its exportation by Demau. On this point we observed, that under the change of system resolved on, some plan of the description indicated in this suggestion would eventually, we did not doubt, be found expedient. But no regulation for imposing a *transit duty* to be paid for the advantage of the route, could legally be enacted, we then conceived, without the delay of preparing and submitting the draft for approval in England. There were, however, other forms, in which we suggested that the Government might obtain an equivalent for the advantage of opening this route for the export of Opium the produce of Malwa, and under the resolution taken in respect to the local restrictions, we thought it highly expedient that recourse should be had to some plan calculated to secure to the merchants and capitalists of Bombay as much of the commerce as possible.

IV.
Administration of
Monopolies.
—
Opium.
—

14. Two plans presented themselves to us, and we called for an early communication of the agent's sentiments as to the expediency of adopting one or both, as well as generally as to the course most proper to be followed for securing the revenue now realized, from much loss under the change of measures resolved upon.

15. The schemes which suggested themselves at that time were the following :

First.—That the Malwa agent should, at the proper season, sell by public auction passes to Bombay, with assurance of free export for a certain quantity of Malwa Opium. The proceeds to be carried to the credit of the concern, and fair intimation to be given to bidders at the Bombay sales of the number of passes so granted, and the quantity of Opium covered by them.

Secondly.—That the agent should open to the Sahookars of Malwa the privilege of having their Opium sold along with that provided by the agent at the Government sales of Bombay, on the condition that a certain proportion of the purchase-money, such as might be considered a fair equivalent for the advantage of the route, compared with the dangerous and circuitous one of the Desert, to Demau, should be retained by Government.

16. We noticed that both these schemes presupposed the ability of the Bombay Government to oppose effectual barriers to the transit of Opium through their territory to the sea coast. The price yielded hitherto by the article at Bombay, compared with that of the Malwa purchases, showed the disadvantages arising from the existing restrictions to exceed considerably the cost price, that is, to be worth to the merchants more than half the Bombay value of the article, could they so purchase relief from them. Under the new system, the exemption would not, of course, be worth quite so much, but the passes would be thought still to have a very considerable value, and the plan of exposing them to the competition of bidders at a public sale promised to secure a nearer approximation than any other to the true equivalent advantage of the route, which was the only legitimate source of taxation and profit.

17. We directed the agent, in stating his sentiments on these projects, to include the consideration how far it would be necessary or proper to continue the annual provision of Malwa Opium by purchase on account of Government ; and whether it would be advantageous to confine this to the Opium obtained under treaties, so as to avoid the collision that must ensue were the agent to be selling passes with one hand, while he was purchasing Opium with the other.

18. Major Stewart, the officiating Opium agent and resident at Indore, replied on the 26th of September to the above instructions. He stated that he had found it necessary to compound with the Sahookars for the passes agreed to be given them for quantities proportionate to their deliveries, by an advance of the contract price ; and it had been settled that they should receive 45 rupees instead of 30 rupees, or 20 rupees per punseeree, for what they might deliver. On these terms the entire supply from this source had been secured.

19. He informed us that, of the Treaty Opium, there would be a deficiency of 1,500 Surat maunds from the Holkhar state, and 50 from Dhar, but the rest would be secured. Consequently, if relieved from the necessity of supplying the Ahmedabad and other demands for local consumption, which might be supplied at the price of the day by other means, there would be no disappointment in the provision for the Bombay sales, notwithstanding the change of policy determined upon. Major Stewart, however, in this and a subsequent Letter, dated 5th October,

IV.
Administration of
Monopolies.
Opium.

reported, that although deliveries of Opium under the treaties would be made in the passing year, none could be reckoned upon in future; for all the states, except two inconsiderable ones, had given notice of their wish to cancel the engagements they had entered into in regard to Opium altogether after the close of the season.

20. Having this report of Major Stewart before us, we proceeded to determine on the course to be adopted for the management of the concern in the season; and we felt indebted to Major Stewart for much useful information and intelligent reasoning to assist our deliberations on the subject. Assuming that we should agree at once to release the states and chiefs from all existing engagements, Major Stewart had stated that there were three forms in which the concern might be prosecuted; and he discussed each with much judgment, giving the result of his inquiries and information on the various points bearing on them respectively. The plans submitted by him were the following:

- 1st. To negotiate new treaties for securing produce.
- 2d. To abandon the field as purchasers, and raise a revenue by granting passports to Bombay; and,
- 3d. To enter the market as purchasers of the drug.

21. To this last Major Stewart gave the preference, accompanying his arguments on the subject with estimates of the profit he reckoned to secure our purchases made at various prices, from 47 rupees the punseeree to 60 rupees, and upon the assumption of a fall of price at Bombay not exceeding one-fifth, or 1,320 rupees the chest.

22. Our determination on this reference was conveyed in instructions to the following effect:

23. Approving highly of the measures that had been adopted for commuting the pass arrangement to an advance of price, we authorized the relinquishment of all existing engagements with native chiefs and powers at the close of the season; and on the three schemes proposed for the future, remarked as follows:

1st. The plan of opening fresh negotiations with a view to new arrangements with the states of Malwa, on the principle of procuring Opium through the chiefs, and associating them with the measures of Government by participation in the profits obtained from the source, appeared to us open to most of the objections which had led to the abandonment of the restrictive system; we therefore dismissed it as inexpedient.

2d. The second plan, viz. that of selling passes to Bombay by the direct route, had the advantage of obtaining for that mart the whole sea export of the article, which had hitherto been participated by the less favourable ports of Diu and Demau. The plan, too, had simplicity, promptness of realization, and other manifest practical benefits to recommend it, while it would save considerable expense in establishments, and relieve Government from the inconvenient and objectionable position in which it was placed by the necessity of raising its revenue through a commercial monopoly. We were therefore inclined strongly in favour of this scheme. Relying, however, on the agent's opinion, that Mahaguns and Sahoo-kars would not for some time appreciate properly the value of the passes, and the importance of the privileges they would convey, we yielded to the force of the considerations which induced him at present to give a preference on the whole to the third of the plans stated, viz. that of continuing to make through the agent purchases of Malwa Opium for transmission to Bombay for sale. Major Stewart reckoned that the price to purchase would range from 47 rupees the punseeree to 60 rupees, and that 4,000 or even 6,000 chests might be procurable in the year on these terms for the supply of the sales; also, that unless the fall of price exceeded one-fifth, there would still be a revenue, assumed at the lowest at 17 lacs upon the smaller quantity mentioned. The effect of the rise of price in Malwa upon production was not taken by the agent into account, nor the consequence of the efforts still making on this side to increase the Opium provision of Behar and Benares. We informed the agent that the number of chests of Opium to be brought to sale at Calcutta in the approaching season was no less than 8,778 chests, exceeding

exceeding by more than 1,000 chests the large provision of the preceding year, and thence we saw reason to apprehend that a fall of price to the extent of one-fifth only was rather too favourable an estimate.

3d. With respect to the point adverted to in the 20th paragraph of Major Stewart's Report, viz. whether, continuing to purchase for sale for the public account, the Government should at the same time sanction the grant of a limited number of passes, for a consideration, direct to Bombay, for the purpose of securing that all the Opium of Malwa intended for China should be exported by that route, we stated that we had given to this subject the most attentive consideration, and the conclusion we had come to was, that it would be hazardous to the profit expected to be realized at the Government sales, and must interfere greatly with the agent's power of making local purchases, if this route were to be opened to private speculators simultaneously with the prosecution of the attempt to raise a revenue by purchasing and selling on account of Government.

24. Major Stewart, under our orders to consult the Bombay Government in his arrangements regarding the provision of Opium in Malwa, forwarded very properly to that Government copy of the Reports addressed to us, upon which we came to the determination above explained.

25. The Honourable the Governor in Council, having Major Stewart's Report before him, addressed to us on the 5th November last, a Report of his views as to the best way of carrying on the Malwa Opium concern, now that the restrictive system and the political arrangements for its enforcement were to be abandoned. The Governor in Council recommended the establishment of a commercial agency in Malwa, separate from the political office, for the purchase of the article in open market. The Governor in Council looked upon the advantage possessed by Government, in the direct route, as calculated to secure a profit on purchases, though made in the face of the freest and most active competition; for he doubted not his power to prevent transit of the drug to the coast, except by very circuitous routes. Some valuable information is added in respect to the charges of shipment at Demaun, which are stated at 55 rupees, merely for the protection of the Portuguese flag, and regarding the advantage that would follow any plan calculated to draw the whole of this commerce to Bombay.

26. The point, however, most urged by the Governor in Council in this Despatch is, that the separate commercial agent should be an officer appointed by, and responsible to, the Bombay Government, who should act independently under its instructions, but in concert with the political resident. Adverting at the same time to Major Stewart's Letters above referred to, the Governor in Council recommended the issue of passes conjointly with the purchases; and, to meet the wants of the Bombay market, he further requested that 2,000 chests of the Opium provided on this side of India, viz. in Behar and Benares, should be sent round to be sold at Bombay.

27. Before we had replied to this Letter from the Bombay Government, we received a second, giving cover to instructions the Governor in Council thought himself warranted, by our reference to his judgment, in issuing to Major Stewart, strongly enjoining him to grant passes immediately for as much as possible of the Opium about to be conveyed by indirect routes to Demaun, so as to ensure its conveyance to and shipment at Bombay, along with the provision made for the Government sales there. It was suggested to Major Stewart that he should fix 250 rupees as the consideration to be asked for the passports; and it was added, that the owners of the Opium should be "left subject to the customs payable to the states through the territories of which it would have to pass."

28. We felt ourselves placed in very embarrassing circumstances by this interference of the Bombay Government, and lost no time in communicating our sentiments to that Government and to the Opium agent.

29. With respect to the appointment of a Bombay civil servant as commercial agent for the purchase of Opium in Malwa, we observed, that we did not conceive Major Stewart to have recommended any separation of the agency from the political functions with which the concern was united, on the contrary, we thought there was advantage in the union, and that a separation would be of prejudicial influence, particularly so if the purchase and arrangements for the provision and

IV.
Administration of
Monopolies.
Opium.

IV.
Administration of
Monopolies.

Opium.

dispatch of the drug were placed under a Bombay officer, while the political duties remained as at present.

30. We doubted the necessity or expediency of any transfer of the agency on commercial grounds, and did not look on the locality of the sales as a ground for the measure, more especially under the present uncertainty as to the footing on which it was to be carried on.

31. With respect again to the project of granting passes for transport of the Demaun Opium to Bombay, so as to secure the article for the latter mart, and obtain a revenue for the advantage opened to the merchant, we admitted fully that the measure would produce both benefits, but referred the Bombay Government to our Despatch to Major Stewart, and stated our adherence to the opinion before expressed, that this plan was incompatible with that of purchasing for re-sale. We pointed out that the necessary effect must be to limit the profit on the re-sales to what might be fixed as the consideration for the passes; that it would create a local competition in Bombay, interfering with the sales, and must embarrass the purchases in Malwa, by giving every holder the option of taking the chance of the Bombay sales, if he thought the difference of price or profit likely to exceed the price of a pass. We remarked also, that if the passes were so drawn as not to give free passage to the article in the hands of private merchants, that is, if they were left subject to arbitrary impositions and delays in crossing the territory of every petty chief, the instruments would be unsaleable except at very low rates; besides which the credit of the passes would be shaken, and the habit of disregarding the Government passports would affect imperiously all future arrangements.

32. For these reasons we expressed the determination not to interfere at present with the plan we had, at Major Stewart's suggestion, adopted for the season.

33. In the mean time the Despatch addressed by the Bombay Government to Major Stewart, on the 10th November, induced that officer, though very reluctantly, upon its arrival, to assent to the scheme of issuing passes contemporaneously with the provision of Opium by purchase for re-sale in Bombay. The officiating agent accordingly issued notices inviting tenders for passes, but five days afterwards receiving our Secretary's Letter, dated the 27th October, before referred to, wherein the incompatibility of the two schemes were strongly pointed out, he recalled his notices by expresses sent in every direction, and immediately gave notice to the Bombay Government that he had done so. Major Stewart wished, however, that the privilege of granting passes to a limited extent were still left in the agent's hands, in order to facilitate his purchases through the influence they would enable him to command; such an influence, added to the advantage of early appearing in the market with ready money, being looked upon by him as the only circumstances he could rely upon for favourable purchases.

34. We expressed ourselves as highly approving the promptitude of the officiating agent's determination to withdraw his notices regarding the issue of passes, thinking that had any been issued they would have involved all the operations of the department here and at Bombay in great embarrassment, and must have produced perplexing claims of various kinds.

35. With respect to the view taken by Major Stewart, in regard to the advantage of reserving the power of granting passes as a means of influence, we stated that our opinion remained unchanged as to the inexpediency of mixing the two plans, so long as the scheme of purchasing was followed, and we had determined to give it a trial; we thought both that operation and the re-sales should be simplified as much as possible, so as to avoid mixing up with a monopoly speculation of our own the project of obtaining profit, in the form of a pass, upon the speculations of others.

36. We now have to notice three further Letters from the Bombay Government, dated respectively the 30th November and 5th and 11th December last, the first written on learning that Major Stewart had been induced to issue passports in conformity with the urgent suggestion of the Bombay Government, and stating the measures taken to invite the merchants of Bombay to apply for them to bring their Opium to that mart instead of exporting it by the indirect routes, and under the Portuguese flag, from Demaun; and the two latter reporting the steps

steps which had been taken on learning that the intention to issue passes had been relinquished, in consequence of the orders received from us by Major Stewart.

37. In replying to these Letters, we referred the Bombay Government to the opinions we had frequently before expressed, against uniting with the purchases making for re-sale any scheme allowing the capitalists of Bombay and Malwa to compete with Government as purchasers in the first instance, and again as sellers at Bombay, which we noticed must be the effect of allowing passes to be issued simultaneously with the Government sales at the latter place.

38. We added some observations on the following points, which seemed to require notice, in the correspondence and despatches of the Bombay Government; viz.

First, Whether it was advisable to issue passes for the excess quantity of Malwa Opium, now ready for export to Demaun, as a present measure adapted to the particular occasion, independently of the general adoption of the scheme of granting passes and purchasing for re-sale simultaneously?

Secondly, Had the issue of notice by the agent in Malwa, offering passes, continued, with the measures taken at Bombay to spread the information that they would be granted, created claims or occasioned losses entitling the sufferers to compensation from Government?

Thirdly, The speculators in Malwa Opium had been informed by the Governor in Council, that the Supreme Government would be urged to permit the Opium of the present season to proceed, under passes, direct to Bombay. Whether had any new claim been created thereby, or had the claims under the notice above referred to been strengthened by this further measure of the Bombay Government?

39. With respect to the first question stated above, it appeared to us that if the granting passes for a consideration, simultaneously with a continuance of purchases, were objectionable on general grounds, it could not be advisable to adopt the measure for the sake of the temporary profit it seemed to offer; for to grant passes for the surplus Opium now in Malwa, would bring the whole to Bombay, to be offered to the buyers of that sold by the Government; and as it would have the same precise advantages for shipment, it was impossible to suppose that it would not, more or less, affect the selling prices. We admitted it to be quite true, as observed in the Bombay Letter, that the price in China, and the calculation of the speculators upon the total supply of the season, including that at Demaun and elsewhere, as adequate or not to the demand there, must regulate the biddings at the public sales; but although the quantity at Demaun entered of course always into the calculation, it did not thence follow that this quantity must affect the calculation equally of the Opium at one port as at the other.

40. But a more serious objection to granting passes, was the effect the measure would have on the purchases of next year, supposing the plan of purchasing to be then continued; of course no one could be expected to sell to the agent at a price offering a profit exceeding 250 rupees, if he had the expectation of conveying the drug himself to the Bombay market, with the advantage of a Government pass for that consideration; and the fact of passes being granted in the present year, would be sufficient to inspire the hope universally, howsoever the contrary might be declared by the agent.

41. Thus the objection to granting passes was, that it was a half measure, calculated to obstruct the plan of purchase and resale, determined at the specific recommendation of the agent to be carried on for the present season, and incompatible with its continuance. We were far from deciding that the plan of granting passes as a general measure, might not be preferable to that adopted. Our own impressions were greatly in its favour, and it was our intention, we stated, to direct the agent's attention to the consideration of the question, whether it would not be desirable to adopt that scheme in the ensuing season, in relinquishment of all purchases. In that case, the passes might, we observed, be offered to sale (limited in number) in the same manner as the chests were, and the competition would show their real value; or they might be unlimited and issued at a value fixed by us. Upon the adoption, however, of any such change of system, we had not then determined, and until we had done so, we could not sanction the partial abandonment of the existing system proposed by the Governor in Council.

IV.
Administration of
Monopolies.
Opium.

The result of the communication opened with Major Stewart, for determining as to the best course to be pursued in future, would be made known to the Honourable the Governor in Council, as soon as any decision on the subject should be formed. In the mean time, we desired that things might be left in the train indicated in the orders and instructions of this Government.

42. With respect to the second of the points stated above, viz. The claims arising out of the publication of the notice regarding passes in Malwa and Bombay, it appeared that Major Stewart was induced to publish the notice in question, on the 23d November last, but on the 28th following, he received our orders of the 27th October, and immediately sent expresses every where to recal the notices. In like manner the Letters of the Bombay Government to the Bombay merchants, informing them of the grant of passes were dated 30th November, and on the 5th December the remedy was applied. In both cases the period for which the notice circulated was five days only; and any claims that speculators could prefer in consequence must be founded on what occurred in this short space of time.

43. In our opinion it would not be enough to allege that hopes were held out by the notice which its recall disappointed; nor that speculations were founded thereon which were subsequently abandoned. There must have been positive loss incurred through the measures of Government or of its officers, before there could be any ground or pretence for recompense. Although therefore the recal of the notices might have produced inconvenience, and was in appearance awkward and unfortunate, we were not disposed to listen to any claims preferred in consequence, except proof should be adduced at the same time that real loss was sustained thereby. We moreover requested of the Bombay Government that no claim of the kind might be decided upon affirmatively, without a previous reference to our Government, accompanied by a full statement of the circumstances.

44. With respect to the third question, viz. the effect of holding out hopes to the merchants, that through the instance of the Honourable the Governor in Council of Bombay, this Government might be induced to sanction the grant of passes in the manner proposed for the Malwa Opium of the present year, we observed as follows: having determined against issuing the passes in question, we could only express our regret that we had been unable to realize the hopes held out to the merchants by the Governor in Council. At the same time we could not recognize any claim as arising out of this additional disappointment; for of course the merchants would have known that the result was entirely dependent on the view that might be taken by us; and however reluctant this Government must always be to take any course affecting the impression entertained as to the influence and weight of the other Presidencies, we could not yield our judgment on a matter of this description, or allow the desire to maintain their credit and estimation to weigh against the views of policy by which we felt it our duty to be guided.

45. With reference to the observations in the Letter of the Bombay Government, dated 5th December last, regarding the confusion incident to the existing double control, we observed, that considering the source of the inconvenience which had been experienced in the present instance from the clashing views of the two Governments, that inconvenience could scarcely be urged as an argument in favour of a transfer of the concern to Bombay, for the difficulty would not have been felt if the agent had received his instructions solely from Bengal, which, notwithstanding the deference enjoined to the sentiments of the Honourable the Governor in Council at Bombay, in the passage cited from the Letter of this Government, dated 28th July last, it was always intended that he should do on all questions involving the principles on which the concern was to be conducted,

46. Our opinion was rather confirmed by the result of the present correspondence against the expediency of any transfer of the control of the Malwa agency to Bombay; for notwithstanding the benefit that would thus be secured from the exclusion of any double control, the consistency of principle requisite for the security of the revenue realized on this side of India would be wholly lost.

Cons. 15 December.
Nos. 33 & 34.

47. Having thus disposed of the questions which arose as to the management of the Malwa Opium revenue, in the past season, it may be necessary to refer your Honourable Court to the proceedings noted in the margin; showing the extent
of

of the supply provided for the sales of the year at Bombay, and for local consumption in the Bombay territory, and the causes of its falling somewhat short of the quantity promised by Major Stewart in November 1829. It will be seen, that instead of 4,000 chests for sale, and 400 maunds for consumption, only 3,600 chests on the former account, with the full supply required for the latter, were actually dispatched to Bombay. We also beg to refer you to some correspondence that passed between the officiating agent and the Bombay Government, in respect to the most advantageous route by which the article should be forwarded, and the contracts for carts for its conveyance, also the objections made at Bombay to the route proposed by the officiating agent.

48. The out-turn of the sales made of 3,502 chests of Opium of the year, exhibiting a net amount realized of 56,18,527, exclusive of 2,35,952 rupees charges (the sale proceeds being 58,54,480), will be found on the proceedings noted in the margin; and with a view to include all that has passed in relation to this subject, the further references annexed, contain the correspondence and orders passed regarding adjustments of the net profit per chest, payable to the states under treaties; we have added in the collection which accompanies this letter, a letter very recently received from Bombay, forwarding a statement from the principal collector of Ahmedabad, of the manner in which the Opium supplied to him had been disposed of, also our reply and observations thereupon. In the same collection also, will be found an extract from the Political Department, with some correspondence, showing the causes of the failure of the Kota state, to make good their quotas of the drug in the season. We now proceed to later proceedings, copy of which also accompany, being included in the collection referred to. The time having arrived when it became necessary to consider the measures to be adopted in the ensuing season, the question was brought under our notice, in a Minute by Sir Charles Metcalfe, recorded and numbered in the collection as per margin. By desire of the Governor-General, the Civil Finance Committee had given their attention to the subject, and copy of a Report of their sentiments is also annexed.

49. From Malwa we had received no further information, in reply to the requisition to that effect addressed to the late officiating agent Major Stewart, on the 12th January last, which was occasioned by this officer's having left the office under charge of his deputy Mr. Cartwright. From the Bombay Government, the only further despatch received on the subject of the conduct of this branch of revenue, is the letter cited in the margin, whereof copy forms also number in the packet.

50. The matter having been taken up with reference to all that had occurred in the past year, and with particular advertence to the view stated by the Finance Committee, we have come to the determination to relinquish entirely the plan of purchasing for resale, and to confine the Government dealings to the grant of passes for free conveyance to Bombay for exportation. Our views on the subject are incorporated in the annexed resolution.

51. It had appeared, that notwithstanding that the officiating resident and Opium agent in Malwa, was informed as early as in May 1829, that it was the wish of the Bombay Government to increase the supply of Opium for sale as much as possible, and instructions to this effect had been issued by the Supreme Government; the officers of the department were barely able to provide for the Bombay sales as much as 3,600 chests, and of this quantity a large proportion (viz. about St M^{ds} 2,000) consisted of store remaining over from the preceding year. As the season had been favourable, and the growth abundant, the failure was to be ascribed exclusively to the resolution adopted by the Supreme Government on the 19th June of the past year, to withdraw from all measures of restriction upon the growth, transit or export of the drug on private account. The operation of this course of policy upon the year's supply, had been felt in various ways, particularly the following:

First. Major Stewart had contracted for the purchase of considerable quantities of Opium, at the usual price of thirty rupees the punseeree, with the condition attached, that passes for conveyance of quantities proportionate to the deliveries, should be granted to the contracting merchants.

52. Upon the removal of the restrictions, passes were no longer required to protect the article; and Major Stewart was obliged therefore to compound for the

IV.
Administration of
Monopolies.
Opium.

Cons. -
21 Nov. 1828.
Nos. 20 to 33.
6 Jan. 1829.
Nos. 9 to 14.
20 February.
Nos. 24 & 25.
12 May.
Nos. 6 to 8.
18 August.
Nos. 21 to 24.
15 December
Nos. 15 to 23.
27 July 1830.
1830.
Cons. 13 July.

Cons. 13 July.

IV.
Administration of
Monopolies.

Opium.

the privilege, by an addition of 15 rupees per punseeree to the contract rate. The effect, however, of removing the restrictions, produced a rise of price in Malwa, considerably exceeding 45 rupees, so that the officiating agent not only had been unable to extend his purchases as desired by the Bombay Government, but with difficulty had obtained the fulfilment of the contracts.

Second. Although only the restrictive provisions of the Opium treaties were revoked and cancelled in the past season, and the states remained under engagements to deliver their quotas of Opium at 30 rupees the punseeree, receiving the bonus and the profit on chests sold according to their deliveries, still the effect of the rise of price consequent upon the removal of restraints on the traffic and export, had been to produce short deliveries by almost every state. The native Princes or their ministers seemed to have calculated that the present gain by sale on the spot at 55 and 60 rupees the punseeree, afforded a larger profit than the bonus and the average net profit on their allotted number of chests were likely together to yield. This therefore was another cause of short provision for the Bombay sales of the past year. The resource from treaty Opium, it is to be observed, will be wholly cut off in future, as all the states have given notice of their wish to withdraw entirely from their Opium engagements after the season which has now closed, and the Government has assented to their doing so.

53. The facts above referred to seemed fully to account for the limited provision made for the Bombay sales of the season. The number of chests forwarded from Malwa, was as above stated only 3,600, whereas the information received regarding the quantity that found exit through Demau and other places, stated the quantity at 10,000 chests, and the lowest estimate gives 9,000 chests.

54. But if a sale of 3,600 chests had been provided at Bombay in the past season, it was to be recollected that much of the article was obtained before the removal of the restrictions was known, that the agent had the benefit of contracts made before that measure was adopted, and of treaties which were not to expire until the close of the year; no such advantages would be possessed in the present season. If it were to be determined, therefore, to prosecute the scheme of buying for resale, the agent had nothing whatsoever to rely upon but the competition price and his ready money. He must enter the market as a common purchaser, and his appearance in that capacity would of itself tend further to enhance prices. The political influence and other inducements and means, through the judicious use of which the agent's bargains had heretofore been favourable, would be withdrawn with the annihilation of the treaties, and his attempt to buy, would end most probably in an increased outlay, and much smaller provision than in the past season, not to mention the effect which the competition must have in augmenting the growth and manufacture of the drug at the places of production. To complete the risks of failure under such a scheme, the purchases would have to be made in the face of a falling market in China, and with the certainty therefore of a less return at Bombay.

55. The exclusive possession of the best route for transmission to the coast, and of the best port for shipment, would doubtless, we conceive, enable the Government to realize some profit by purchases made even under these disadvantages; but the question was, whether that was the best method of turning our position in these respects to account, so long as the services of the states and authorities in Malwa, were commanded in aid of a monopoly purchase, and while restrictions and prohibitions were enforced which made it ruinous for individual merchants to compete with Government, the system of purchases was successful, and on many accounts perhaps the best; but with traffic and transit free in Malwa, the attempt to draw the article to Bombay by buying it up, appeared to be opposed to every received principle of policy, and likely to entail heavy costs and charges in the management. We were therefore unwilling to determine in favour of the plan of continuing to purchase Opium in Malwa for resale, while there was any other scheme presented for our election, affording a promise of obtaining by other means an equivalent for the advantage of the routes and port of Bombay, which are the real sources of revenue and profit.

56. The information furnished by Major Stewart in his Letters of September and October last, and the calculations also of the Finance Committee, appeared to us to afford grounds for estimating the value of the routes which Government had the

the power of opening at not less than 175 or 200 rupees. At the former rate it appeared that passes could be sold readily ; and at the latter, Major Stewart in the course of the five days when he was inviting tenders at 250 rupees, received a few offers upon speculation. It was to be remarked, however, that the Bombay Government, acting on their information, had estimated the value of passes at 250 rupees ; and as it was not unlikely that the Malwa speculators who made the offer to Major Stewart, did not take into account the gain of time for shipment, and the Demaun charges which would be saved by the pass, there was ground for giving faith to the estimates on which the Bombay Government relied.

IV.
Administration of
Monopolies.

Opium.

57. But, however that might be, (for the determining a value for the passes was a point that must necessarily be left to the Bombay authorities,) it was made manifest by the Report of the Finance Committee that, purchasing under the disadvantage of open competition and free transit by the indirect routes at 55 rupees the punseeree, and there was a chance of the price exceeding 60 rupees, the Government could not hope hereafter for a selling price at Bombay that would yield a profit exceeding 200 rupees per chest. This, too, would be realized on the limited quantity that could be purchased at reasonable prices in the face of an open competition. If, on the other hand, the real value of the direct route to Bombay should, as supposed, exceed that sum, the whole produce of Malwa might be expected to flow through it, under the plan of issuing passes to private merchants to the benefit of the commerce of Bombay, no less than of the revenue of Government.

58. The capital annually embarked hitherto in the purchase and preparation of the drug would further be saved to Government by the change of plan, and the balances of the treasuries from which the funds had heretofore been supplied would bear proportionate reduction.

59. Thus every motive of sound policy seemed to suggest that the scheme of issuing passes for a consideration equal to the real value of the route to be opened should be substituted for that of purchasing Opium in Malwa, to be forwarded and re-sold at Bombay.

60. The Government will doubtless lose by this plan that portion of the profit heretofore realized by its sales, which was the result of speculation upon China fluctuations of price, but that was less a consideration at present than it had been heretofore, because of the certainty of the increased production causing a gradual diminution of the selling price in the ulterior markets. It had occurred at one time to us, as will have been seen in a previous part of this Despatch, that a participation in that profit also might have been secured, (besides the net equivalent for the value of the routes opened,) by limiting the number of passes issued, and selling them by auction ; but on reconsideration we determined to abandon that scheme, and to confine the Government receipt to what might fairly be demanded as the equivalent for the advantage of transit and shipment offered to dealers by the new routes. As these benefits were fixed and capable of distinct valuation, the rate of duty taken for the passes conferring them ought evidently to be so too.

61. A further very important recommendation to the plan of issuing passes is, that it will enable the Government to dispense altogether, after a short time, with the establishments entertained in Malwa and at Bombay for conducting the concern in the manner hitherto followed. For the machinery by which a revenue may be realized through the grant of passes is most simple ; indeed, as the stations of Chokies are already maintained, and there are Custom Houses throughout the Bombay territory through which the Opium will be regularly passed to that Presidency, and through which therefore the entire revenue may be collected, it would not seem that the addition of a single functionary to the existing establishments of that Presidency will be at all required in substitution for the agency and Godown officers to be discontinued under the abandonment of the scheme of purchase store and sale heretofore followed.

62. Influenced by the considerations above adverted to, we have resolved as follows :

First. That in lieu of the existing system for deriving a revenue on Opium, the produce of Malwa and other parts in Central India, the Bombay Government shall give notice that passes for the free transit of the article to Bombay for exportation by sea, will be granted on application to the

IV.
Administration of
Monopolies.
Opium.

Collector of Customs at Bombay, or to the resident and Opium agent at Indore, on payment at the rate per chest of 140lbs. weight of Rs 200, or such other sum as the Bombay Government may fix as the fair and proper equivalent for the routes opened by the passes.

Second. That the Opium agent in Malwa shall discontinue making any purchases of Opium, and shall use his best endeavours to give effect to the scheme proposed to be substituted, concerting with the Bombay Government as to the form of pass to be issued, the period for which it is to run, and the manner in which it is to be returnable after the arrival of the Opium covered by it at Bombay.

Third. That the agent be further directed to promulgate the determination of the Government to grant passes in the manner indicated, and to explain to the merchants the facilities that will be afforded by the routes opened, as well as those of the port of Bombay, furnishing every information on the subject in his power to all that may apply for passes.

Fourth. That notice of the above change of plan be communicated to the Board of Customs, Salt and Opium, with a view to its being made known to the merchants and purchasers at the Calcutta sales.

Fifth. That the agent at Indore be directed to report weekly to the Supreme Government, the price of Opium at the principal marts in Malwa, and to furnish similar information of all passes taken out from his office; and that the Bombay Government be likewise requested to order weekly reports to be sent to this Presidency, of the passes that may be taken out at Bombay, in order to enable us to judge how the new plan works.

Sixth. That so soon as the plan shall be so far introduced as to enable the agent to determine upon its success, (and we cannot anticipate a failure, if the value of passes be properly fixed) he shall discharge superfluous establishments, and the Bombay Government will at the same time revise the establishment maintained for the custody and store of the Opium sent there for sale.

Seventh. That the revenue derived through the issue of Opium passes, be brought to account at Bombay, separately from the other items of Custom Duties, but that it be regarded as an asset of the Bombay Government; the proceeds of the sales made in the present year, as well as of any other Opium that may be in store, or that may be transmitted by the agent in Malwa for sale, will of course be carried to account as at present, in order to wind up the concern on account of this Presidency.

63. In forwarding these Resolutions to Bombay, we deemed it necessary to notice the disappointment the Honourable the Governor in Council had expressed that his views had not been more followed; and in particular, the reference made by him to the scantiness of the supply obtained at Bombay for the year's sales, as well as for local consumption.

64. After recapitulating the circumstances which had led to the smallness of the supply of the year, and explaining that they were ascribable to the changes of plan which had been determined upon, we pointed out that although having resolved to give the system of purchase and sale trial for the year, we had opposed every proposition for mixing up with that plan the project of granting passes; we had always intended at the close of the season to take up the question as a general one, and to determine on the mode of carrying on the concern hereafter, according as our information and the result of the experiment might show to be most advantageous in all respects.

65. We transmitted to Bombay copy of the Resolution, the substance of which is given above; and desired that Government to give immediate effect to it by determining a price for the passes, and arranging the details of the mode of transport, and the checks to be established with the Opium agent.

66. We remarked, that the passes being issued on the application of holders, would act as conditional exemptions from the existing prohibitory duty; consequently the equivalent taken from them could not be regarded as a new duty, so as to require a Regulation sanctioned by your Honourable Court and by the Board of Commissioners before its enforcement, as we had at one time thought
might

might be necessary; and we further noticed that the Opium passed under these instruments to Bombay, would stand in the place of that heretofore carried by Government as belonging to itself, consequently the passes must confer the same privileges of free transit, and the Bombay Government, must provide that there should be no obstructions or detentions by its officers beyond what was indispensable to prevent the article from being carried irregularly.

67. We desired the Governor in Council, in regulating the amount of equivalent to be demanded for the passes, to adopt the principle of assuming something less than the net difference of expense incurred on a shipment of Opium brought to Demaun, by the most favourable of the indirect routes, as compared with the cost of transit to Bombay, and shipment by the most favourable of the direct routes opened by the passes. The information we possessed, inclined us to believe 175 rupees to be the minimum duty that might be taken per chest on this principle, and 250 rupees the rate proposed heretofore by the Honourable the Governor in Council, to be the highest that would be safe to require; but, as before stated, we wished to leave this entirely to the Governor in Council, to be regulated as his enquiries might lead him to determine. Should there be good grounds we added, for believing that passes would not generally be sought at the low rate of 175 rupees, we intended still to retain the power of purchasing for resale, and we thought it might in such case be advisable to revert to that course, provided the article could be procured in Malwa at a price not exceeding 55 rupees the pun-seeree. To this effect instructions were issued to the agent, and it has been this necessity of waiting to see the result of the new measures ordered, that has prevented the immediate revision of the establishment of the agency. The authorities at Bombay and the agent, were instructed to guard against any combinations from parties interested in the continuance of the old system, to prevent the advantages of the new from being generally known and appreciated by the merchants, or to keep back applications for passes after promulgation of the intention to issue them.

68. Full information of the new plan upon which it was proposed to conduct the concern in Malwa, will be communicated through the Board of Customs, Salt and Opium, to all persons concerned in the Opium trade to China at this Presidency; and we informed the Bombay Government, that it was our intention to continue to encourage the extension of production of the article on this side of India.

69. We have now completed the review of our proceedings in connection with this important subject; we submit them in full confidence that the course we have determined to adopt is the best, under all circumstances, that could be followed; and trust to receive the early expression of your sentiments thereon.

We have the honour to be, &c. &c.

(signed)

W. Bentinck.

W. B. Bayley.

C. T. Metcalfe.

Fort William,
3d August 1830.

— No. 13. —

(Separate Department.—Opium.)

(No. 3, of 1830.)

LETTER from the Governor General and Council in *Bengal*, to the Honourable the Court of Directors, &c. &c. &c.; dated the 21st September 1830.

HONOURABLE SIRS,

1. SINCE we had the honour to address your Honourable Court, on the 3d ultimo, for the purpose of explaining at length our views and proceedings in regard to the revenue we have hitherto derived from Opium, the produce of Malwa, we have received from Bombay, Copy of a Minute by the Honourable the Governor, with a memorandum annexed, containing information on the subject collected by the Revenue Commissioner of the Northern Districts of that Presidency.

2. The Governor's Minute, though dated the 6th May last, was only forwarded to us in a Letter from the Secretary bearing date the 30th July. Had it reached

320. D.

H 4

us

IV.
Administration of
Monopolies.
Opium.

Cons.
7th September 1830,
Nos. 22 & 24.

IV.
Administration of
Monopolies,
Opium.

us in time, we should of course have considered it our duty to draw your particular attention to the arguments by which the Honourable Sir John Malcolm supports his views on this question, and endeavour to show that we determined injudiciously in opposing the plan suggested by the Bombay Government, for combining the issue of passes with the arrangement for continuing sales, and that a considerable loss of revenue has been the consequence. It is right that your Honourable Court should be put early in possession of these arguments, and of our view of the questions discussed after yielding to them the consideration due to the quarter from which they have proceeded.

3. Sir J. Malcolm complains, in the first instance, of the small supply of the drug provided for the regular sales of the year, in Bombay, notwithstanding that the expediency of an increase had been advocated early in 1829, and the Supreme Government had then concurred in the propriety of the augmentation. In the resolution passed by us on the occasion of relinquishing the system of purchase and re-sale, in other words, the monopoly farm in which we had heretofore realized revenue from this source, we particularly explained the causes of the short supply referred to. The determination to increase the quantity of Opium provided was taken with reference to the monopoly, and to the restrictions on transit and exportation by which it was enforced. Upon the change of system, this consideration, though still an ingredient of the question, was nevertheless subordinate to the determination in the first instance of the principles upon which the concern should be conducted after the restrictive measures by which the monopoly was supported had been given up.

4. The officiating Opium agent in Malwa reported that notwithstanding the change of system referred to, he should be able to provide a supply for the sales of the year equal to that of the preceding season, and influenced mainly by this circumstance, supported by the opinion expressed by the officiating agent, that the plan of purchase and re-sale might advantageously be continued, we resolved to make the experiment of leaving it in operation for the year. The result was as we have explained in our previous Letter, and as stated by Sir J. Malcolm in his Minute now forwarded, viz. that a sale supply, exceeding by 100 chests that of the preceding year, was actually provided and disposed of in the usual manner, yielding a considerable profit per chest, as will presently be shown.

5. But because there was at the same time a large exportation of Opium from Malwa by irregular channels, the supply to Demaun, amounting, according to estimate cited, to as much as 10,000 chests, Sir John Malcolm seems to cast blame on the arrangements adopted, on two grounds: First, It appears to be his opinion that, consistently with the determination taken to augment the provision for the Bombay sales, measures should have been adopted to procure by purchase for the Government the major part of the Opium so irregularly exported. Secondly, He complains that the plan he suggested, of allowing this illicit Opium to be brought direct to Bombay under pass, was not adopted; arguing that by taking a consideration for the passes, the Government might have secured a large additional revenue therein, besides that realized at the sales upon the year's provision, of 3,600 chests. Before discussing these points in detail, we would premise, that we did not look upon the question which lay for our determination to be one of the expedients for the day. We had resolved upon the abandonment of the system of restriction by which the monopoly was supported, and it remained to decide how the concern established under that system should be wound up, and what permanent scheme should be substituted. Nearly half the season passed before the change in our intentions could be duly promulgated and made known in Malwa. Indeed, the agent's arrangements for the year were already so far in progress, as to afford the assurance of a provision on monopoly terms, equal to the supply for sale of the preceding year, when we had to determine as to the best mode of winding up the concern. We conceive that we could not, in prudence, under these circumstances, have acted otherwise than we did, and that in resolving to secure, so far as could be done under an abandonment of the restrictive system, the monopoly profit on the limited provision in question, and to defer the final arrangement of a permanent scheme till the close of the year, we consulted the true interests of the Government and of the nation. Originally we limited the purchases to 45 rupees per punseeree, the price at which the agent assured us of his ability to obtain an equal supply for the Bombay sales to that of the previous year; but subsequently, on his representing, in February of this year, that a large
extra

Cons.
2d March 1830,
Nos. 20 & 22.
13th April,
Nos. 22 & 24.

extra supply (4,000 chests) could be obtained by an augmentation of the price to 55 rupees, we authorized the increase, making that the limit. The agent's expectation of obtaining the further provision at this rate appears, however, to have been disappointed. At 55 rupees per punseeree, the chest of 140lbs. would have cost 770 rupees in Malwa, besides the charges of establishment and transport; we cannot think it would have been prudent to have exceeded this limit for the prime cost of the article.

IV.
Administration of
Monopolies.
Opium.

punseeree

6. But the arguments of Sir J. Malcolm's Minute leave it to be inferred, that besides securing as much of the drug as could be secured on the terms of the old monopoly, he would have wished the Government to enter the market as a competitor for the purchase of Opium on any terms. It will have been obvious, from a perusal of the correspondence reviewed in our previous Letter, that it could only have been by out-bidding the sanguine speculators, who were drawn into this field by our change of plan, that any more of the drug could have been procured than was actually procured. If, however, yielding to the desire to increase the provision, we had authorized any such measure as a purchase without limit of terms, a rise considerably beyond the high selling price reached by the article in Malwa, which we were told was 60 rupees per punseeree, must have been the consequence; and we do not see how we could have refused the enhanced price to the contractors, with whom we might have made previous bargains, without creating amongst them dissatisfaction and an unwillingness to complete their engagements at the lower rates. At the same time purchasing high, with the prospect of reduced prices at the Bombay sales, consequent upon the increase of quantity thrown into that market, the inducement offered by participation in the net profit would have been taken away from those who furnished Opium under treaties, so that the drug would have been procured neither from them nor from contractors in the quantity stipulated, nor on any thing like the old monopoly terms. The result therefore would have been similar to what occurred previous to our interference with the management of the concern, when Opium was bought by the agent employed by the Bombay Government at prices which yielded no profit on the re-sale. On the whole, we doubt not your Honourable Court will look upon this part of the question as we do, and will be satisfied that an instruction to the Malwa agent to buy the whole produce at any price, would have amounted to a resolution to prosecute as a commercial adventure what could not longer be carried on as a revenue monopoly; we need not enter on a discussion of the impolicy of following such a course.

7. With respect to the question of passes, from the manner in which this subject is mixed up with complaints against the smallness of the sale provision, it might be supposed that the Honourable the Governor desired the passes to be given for direct transit to Bombay, conjointly with open competition purchases of the drug in Malwa for re-sale to exporters by sea. It will however at once occur to your Honourable Court, that the passes must have been given on terms to benefit the holders of the article, and consequently to make them unwilling to sell to our agent on the same terms as before. The grant of passes must therefore, so far as they conferred such advantages, have interfered with the purchases; so that the schemes were inconsistent, and could not be combined without loss.

8. Deeming them incompatible, we looked upon the question which lay for our decision to be, which of these two plans was entitled to the preference; our decision was taken accordingly in favour of continuing the monopoly for the year, and so closing the concern. But it may be urged against the arrangements of the year, that after having secured as much of the drug as could be obtained on the monopoly terms, with a view to a re-sale of this quantity for the sake of the monopoly profit, the Government might, besides this profit, have obtained a further profit by licensing or granting passes for the remainder of the Opium produced, but not procurable on its terms. The argument in favour of this scheme, is that the Opium in question was and will always be exported in spite of the Government endeavour to prevent it. The exportation being made subject to charges to the smuggler or to the Demaun authorities, to the extent of which charges the Government might have secured a revenue.

9. As a general question we have fully admitted this principle, and our resolution to relinquish purchasing for re-sale from this year forward is founded entirely thereon; but we are at issue with the Bombay Government in the con-

IV.
Administration of
Monopolies.
Opium.

clusion that the same revenue we propose hereafter to seek and to be content with, as a consideration for passes direct to Bombay for the whole Opium produce of Malwa, could have been obtained in the past season on the quantity exported to Demaun, without affecting injuriously the profit we hoped to obtain, and did obtain, on the monopoly supply of the Bombay sales.

10. Sir John Malcolm remarks on the difference of the average price at the last Bombay sales of the present year (Rs 1,143. 2. 7.) as compared with the selling price of the preceding year (Rs 1,671. 3.) The defalcation he attributes mainly to the increased supplies which found their way to Demaun. We are far from denying that this necessary consequence of our removal of the restrictions on transit and exportation from Malwa will have been a main cause of the fall of price by which the Government was deprived of so much of the usual monopoly profit per chest, but we are not prepared to admit that if passes had been granted, allowing the 10,000 chests said to have been exported through Demaun to be brought direct to Bombay, the Government could equally have reckoned on securing that portion of the monopoly profit which was included in the price realized on our 3,600 chests.

11. We do not look upon it as the same thing in the effect it would have had on prices at Bombay, whether the 10,000 chests were carried by the circuitous obstructed routes through which, after much detention and frequent change of conveyance, it finally proceeded to China, or were brought by the direct route to Bombay, under passes which would have insured the whole arriving contemporaneously with the supplies for the Government sales, to be offered there in direct competition with the Government Opium, and with equal facilities for conveyance to China. We were of opinion when the matter was submitted to us, and have yet seen no reason to adopt a different conclusion, that to have allowed the Opium of Malwa to proceed to Bombay under passes, on account of individuals, would have been to have set an unnecessary limit on our monopoly profit on the year's provision, through the immediate effect of this measure on the Bombay sales; besides which we thought it must interfere with our means of making that provision, even in the current year, by its effect on Malwa prices, and on the contractors' and state's deliveries, under the arrangements made. It is certain, too, that our future operations would have been embarrassed by the premature resolution to adopt partially a scheme inconsistent with that on which we were still acting, and which we might be desirous of continuing. Had we been convinced that the entire quantity of Opium alleged to have been conveyed through Demaun for exportation might, by early arrangements of a different kind from those adopted, have been brought to Bombay under passes, we should of course have weighed well the advantage to be derived upon the grant of these licenses against the profit expected from the limited quantity that could be provided for sale, and according as the calculation might have shown the larger revenue so would our measure have been taken. We are willing to be judged by this criterion in respect to the course adopted, and our resolutions for the future are based on the same principle of decision.

Cons.
7th Nov. 1830,
No. 25 to 28.

12. We have very recently received the Opium agent's estimate of the net profit actually realized at the year's sales, and a copy will be found annexed as a number in the collection of papers attached to this Letter. The statement, which is founded on the real charges, and needs only final adjustment to become the actual account of the year, shows a profit of H.R. 21, 87, 219. on 3,650 chests sold, the difference of number being occasioned by an over-weight in the chests dispatched from Malwa. The total cost per chest will be seen to be stated at H.R. 608. 12. and the profit is estimated at H.R. 599. 3. 9. Now we should submit that if passes had been granted for private Opium at the reduced price of 250 rupees per chest, a profit of near H.R. 600 upon re-sale of our own supply could scarcely have been expected; and if, through increased difficulty of purchasing in Malwa, on one hand, and competition on the other, to injure the sales in Bombay, the profit had been brought to nearly the rate of the passes, your Honourable Court will be able to calculate the extent to which it would have been necessary for the measure proposed by Sir John Malcolm to have been successful in order to save us from loss on the year's operations.

13. The Honourable Governor dwells in his Minute on the advantage that might be expected from a transfer of the entire management of the Malwa Opium concern

concern to Bombay, on the ground of the superior acquaintance with the state of the markets, the available capital and views of speculators, and other commercial considerations necessarily possessed by the Government and officers of that Presidency. We are quite sensible that from proximity to the place of production, and from the circumstance that the outlet for exportation is on that side of India for the Opium of Malwa, the Bombay authorities have all these advantages. Nevertheless, while the concern was conducted as a monopoly, and as part of a system based upon the arrangements and resources of this Presidency, we should not have willingly seen it transferred, to be managed according to views and principles liable sometimes to be opposed to our own arrangements on this side of India, and the control of which could only have been exercised after the mischief, if any were to result from such incongruities of view, had been actually done.

IV.
Administration of
Monopolies.
Opium.

14. At the same time we have no desire to retain in our own hands any concern that can be as well managed by other agency; on the contrary, it is our study to relieve ourselves as much as possible from the mass of business and of references by which we feel that the Supreme Government is at present overwhelmed. We have accordingly left the Bombay Government to arrange the details of the pass system with the Opium agent, and if that plan can be acted upon with success, it is not our intention to interfere with the execution of the project. If it should fail, it will be our duty to consider again whether the monopoly shall be re-established under the partial restrictions which, through the command of the principal routes and best ports for exportation we possess on that side of India, or any other scheme shall be attempted in stead. The determination of this we shall be obliged to take upon ourselves, as connected with the general administration of the affairs and resources of your Indian empire.

15. We are taking measures for extending the cultivation of the poppy, with a view to a large increase in the supply of Opium to be offered for sale at this Presidency. Our proceedings for this purpose will be reported hereafter. In the mean time we look upon the difficulties which threaten this resource through the removal of the restrictions in Central India, and from which the restrictive system was not exempt, for during its existence the exportation from Demaun to China was continually increasing, to merit the watchful care of Government; for the final effect of an increase beyond assignable limit in the quantity of this drug exported to China from both sides of India, is a result beyond the power of our foresight to discover, or even to hazard at present any speculation upon.

16. We take this opportunity to correct an omission and error in our last Despatch on this subject. We stated, that Major Stewart had not replied to our Letter, dated 12th January, calling upon him to state his opinion as to the course to be followed in succeeding years. His sentiments are conveyed in two Despatches recorded as noted in the margin. These letters, however, having arrived while the Governor General and Secretary of the Department were temporarily absent from the Presidency, did not fall under their perusal, and being omitted to be included in the collection of papers made for preparation of our final Resolution on the subject, and of the letter to your Honourable Court reporting thereon, it was erroneously concluded by the Secretary, that no replies had been received, and the accuracy of his statement was not doubted. The error has been pointed out in a Despatch from the Opium agent in Malwa, just received in reply to the instructions addressed to him in regard to the new system. A copy of his Letter and of our reply, is included in the collection appended, in order to put your Honourable Court in possession of our latest information on this important subject.

Cons.
2d March 1830,
No. 20 & 22.

Cons.
15th Sept. 1830,
No. 29 & 31.

We have the honour to be, &c. &c.

(signed)

W. C. Bentinck.
W. B. Bayley.
C. T. Metcalfe.

Fort William,
21st September 1830.

—No. 14.—

IV.
Administration of
Monopolies.
Opium.

EXTRACT LETTER, in the Separate Department, from the Governor General in Council in *Bengal*, to the Court of Directors; dated 27th July 1830.

130. THE Board of Customs, Salt and Opium, reported the quantity of Behar and Benares Opium, available for the sales of the year 1828. The total supply being 7,837 chests, the Board proposed to reserve 128 for Abkaree and other purposes, and to sell the remaining 7,709 chests under the same stipulations as were adopted in 1826-27.

—No. 15.—

EXTRACT LETTER, in the Separate Department, from the Governor General in Council in *Bengal*, to the Court of Directors; dated 31st August 1830.

264. IN a subsequent Letter, the Board reported the quantity of Opium available in 1828-29, and submitted the draft of notification for publication.

265. Although the quantity of Opium proposed to be advertised, 8,778 chests, exceeded by more than 1,000 chests the provision of 1827-28, yet we thought with the Board that, in the present circumstances of the department, it would not be expedient to withhold any of the year's provision from the sales.

S A L T.

—No. 16.—

EXTRACT LETTER, in the Separate Department, from the Court of Directors, to the Governor General in Council in *Bengal*; dated 9th November 1814.

Letter from the Governor-General in Council to the Court of Directors, dated 5th February 1812.

(21) Revenue derived from Salt in 1810/11, Paras. 42 and 43 of Letter dated the 8th February 1813, and Paras. 2 to 4 of Letter dated the 7th December 1813, in continuation.

Para. 11. THE Annual Reports of the Board of Trade on the Salt Concerns of 1810/11, 1811/12 and 1812/13, exhibit the following results:—

Quantity of Salt provided in	Maunds.	Prime Cost.		
		per 100 Maunds.		
		R'	a.	p.
1810/11 - -	34,44,530	75	14	1
1811/12 - -	32,66,940	78	7	2
1812/13 - -	40,56,113	84	14	6
Foreign and confiscated Salt sold.		Total sold.		
		Maunds.		
Bengal Salt sold in				
1810/11 - -	34,57,485	10,61,718	45,19,203	
1811/12 - -	32,82,751	9,65,455	42,48,206	
1812/13 - -	42,26,881	5,08,198	47,35,079	
Of Foreign and confiscated Salt.		Average of both.		
		Per 100 Maunds.		
		R'	a.	p.
Selling Price of Bengal Salt in				
1810/11 - -	353 2 11	281	12	6
1811/12 - -	371 4 6	283	11	10
1812/13 - -	337 5 -	288	3	8
Net Profit on the Salt Sales in				
1810/11 - -	- - -	R'	1,13,41,684	
1811/12 - -	- - -		1,12,67,489	
1812/13 - -	- - -		1,14,40,202	

12. It appears from the foregoing abstract statements, that, in the year 1812-13 there was a great increase in the provision of Bengal Salt; that the prime cost of that species of Salt experienced a considerable augmentation in the same year; and that, though the sale-price was unusually low, the net profit to the Company on the sales exceeded the profit of any former years since the establishment of the monopoly, with the exception of the years 1803-4, 1807-8, and 1808-9.

13. We sanction the commission which you have authorized to be paid to the agents, on account of the three years, 1810-11, 1811-12, and 1812-13 respectively.

14. Adverting to the voluminous Reports which are annually submitted by the Board of Trade, on the transactions in the Salt department, we concur in the opinion expressed in paragraph 3 of your Letter dated the 7th December 1813, that extracts from the correspondence so copious as those usually contained in these communications are unnecessary, and that more general Reports, accompanied with references to their recorded proceedings, would be equally satisfactory, care being taken that every thing of importance shall be brought into view, although in the most concise manner. Without entering, therefore, in this place, into an examination of all the details of the Reports now before us, and the most important of which we shall have an opportunity of noticing in reply to the sequel of your Letter, we shall confine our remarks to the measures which have been adopted for augmenting the provision of Bengal Salt.

15. The difficulty which had been experienced, and the expense which had been incurred in the years 1810 and 1811, in procuring a supply of Salt from the Coast of Coromandel, to make up for the deficiency in the produce of Bengal, together with the disappointment and inconvenience which resulted from a deficient supply of that article, notwithstanding the various encouragements that were held forth to foreign importers, indicated the expediency of devising some means of promoting the extension of the home-manufacture. For this purpose, you resolved on increasing the price paid to the Molunghees on all Salt delivered by them beyond the quantity stipulated in their contracts, or beyond the quantity which they had been in the habit of delivering, on the average of a given series of years. The price paid to the Molunghees in the Bullooah Purgunnah, (where the experiment was first made,) for all the Salt delivered by them beyond the average produce of the agency, for the previous ten years, was one rupee per maund; and a similar plan, under various modifications, was afterwards introduced into the other agencies.

16. A measure of this sort had the recommendation of being likely to secure a steady supply to the market, and to impose a check upon smuggling, by securing to the Molunghee a legitimate price for his surplus Salt, equivalent to the highest price given by the smuggler, and equivalent also to the amount of reward payable by Government for information of illicit hoards of that article. It probably did not escape consideration, too, that when, as in 1811-12, Bengal Salt sold for R^s 371, while Coast Salt sold for only R^s 283 per 100 maunds, a considerable addition might be made to the price paid to the Molunghees; and that the profit on the home-manufactured would still greatly exceed the profit on imported Salt.

17. That the encouragement thus held out has had the effect of increasing the provision of home-manufactured Salt, is evident from the documents before us; and we doubt not that it has tended to the suppression of smuggling; but we are far from being persuaded that it has augmented the revenue so much as the bounty would have done, had it either been less generally applied, or graduated on a more moderate scale.

18. In the Tumlook agency, it appears the increased price of labour and fuel urgently required some addition to be made to the price paid to the Molunghees; whereas the agent for Hidgellee declared, in his Letter dated the 6th January 1812, the extension of the encouragement to that agency to be neither necessary nor expedient. The Board of Trade, however, having suggested to the agent that the Molunghees of his division, on finding that an additional price for surplus Salt had been granted to the Molunghees of the neighbouring agency of Tumlook, might be desirous of sharing in a similar indulgence, the plan was (improperly, in our opinion) introduced, merely on that ground, into the Hidgellee agency. The measure might be necessary in one agency, and altogether unnecessary in another differently circumstanced; and, at all events, it would have been time enough to have granted the indulgence when it was asked.

IV.
Administration of
Monopolies.

Salt.

19. Supposing, however, the expediency admitted, of a general increase of price to the Molunghees of the different agencies, the allowance of one rupee per maund, for the surplus Salt delivered beyond the amount stipulated in their contracts, or of the average deliveries of past years, seems to have been excessive. Of this, indeed, we have a partial acknowledgment in para. 14 of your Letter, in this Department, dated the 25th September 1813, where it is stated that you had required the Board of Trade "to report upon the success which had attended the foregoing plan, and likewise on the expediency of limiting the payments on that account, as, in the past season, the charges had proved very heavy, particularly in the 24 pergunnahs;" and the fact is still more explicitly admitted in the 28th paragraph of your Letter, dated the 2d October 1813, where you observe, on the authority of the Report of the Board of Trade, "that the quantity of Salt on hand exceeded the supply required to answer the periodical sales of the current year by nineteen lacks of maunds; and that, considering the embarrassment to the public funds, and likewise the increase to the public expenditure, which was likely to be experienced from so large an over-supply of this article, and which would, probably, be still further augmented, if the present system for the provision of Salt continued to be pursued, you had directed the attention of the Board, not only to the expediency of reducing the annual importations from the Coast, but also to that of adopting means to limit the provision of Salt in the respective agencies, and particularly in the district of Cuttack."

20. Not only is the charge which has thus been unnecessarily incurred, matter of serious regret, but the excessive increase, and subsequent reduction, of the bounty granted to the Molunghees is calculated, we fear, to occasion fluctuations in the Salt supplies very unfavourable to the interests of Government.

21. Since the preceding paragraphs were written, we have received your separate Letter in this Department, dated the 5th February 1814; and though you will perceive, from the tenor of the foregoing remarks, that we were prepared for a modification of the plan introduced in 1812, for augmenting the Salt provision, we own that we had not anticipated a complete abandonment of the system, as now announced to us, and that we were by no means aware of the vast expense attending it.

22. We learn from paras. 28 to 37 of the Letter referred to, that the arrangement by which an additional price was paid to the Molunghees for the surplus Salt, had so far increased the produce of the Bengal and Cuttack agencies beyond the quantity required to answer the annual Salt sales, that the balance of Salt likely to remain in store at the close of the year 1813 or 1219, Salt-style, amounted to maunds 26,15,721; that in order to prevent further accumulation, and at the same time to reduce the existing balance in store, you had ordered the quantity to be produced in 1220, to be limited to maunds 37,72,000, and the quantity to be exposed to sale in the same year, to be augmented to maunds 47,00,000; that, with the same view, you had suspended your former orders for the extension of the monopoly to the Southern Division of the Province of Cuttack; that you had directed the entire abolition of the surplus-plan; and that, as a compensation to the Molunghees for their disappointment, you had sanctioned the distribution of a sum of money among that description of persons in the agencies of Hidgellee, Tumlook, Bullooah, and Chittagong, amounting, in the aggregate, to sicca rupees, seventy-five thousand one hundred and eighty-two (75,182.)

23. These sudden changes of measures cannot fail to be productive of very bad effects upon the interests of the public, and of the class of persons employed in the Salt manufacture. Your statement, that a reduction had been effected in the estimated expense of providing Salt, in the year 1814, at the four Bengal agencies, amounting to sicca rupees eight lacs, sixty-one thousand seven hundred and seventy-two. (8,61,772,) justifies the inference that a very large sum had been unnecessarily expended on the provision of 1813. This expenditure, indeed, must have been positively pernicious, as well as unnecessary and wasteful, because it had an obvious tendency to allure people from other employments, to engage in the Salt manufacture, who, after the encouragement was withdrawn, would, probably, find it difficult to resume the occupations which they were thus tempted to desert.

24. We are also apprehensive, that the simultaneous resumption of the encouragements to the manufacture of Bengal Salt, and to the importation of Coast Salt,

Salt, may occasion a future deficiency of supply, in some degree proportioned to the redundant supply which was produced by the combined operation of these encouragements.

25. In the whole of these proceedings we have been concerned to observe a want of foresight, united with an unfortunate tendency to go from one extreme to another; and we are sorry to add, that a derangement of the course of public industry seems to be the only result of a very expensive experiment in the management of our Salt concerns.

IV.
Administration of
Monopolies.
Salt.

— No. 17. —

EXTRACT LETTER, in the Separate Department, from the Secret Committee of the Honourable Court of Directors, to the Governor-General in Council at *Fort William*, in *Bengal*; dated 10th May 1816.

Para. 10. Under the 53d George III. chapter 155, section 6, *Salt* may be legally exported from this country to India, and as any of His Majesty's subjects proceeding in ships navigated according to law upon a voyage to the East Indies, are permitted by the 54th George III. chapter 34, to touch and trade at the Cape de Verd Islands, where Salt may be procured at a very low price, we think it necessary to instruct you to take immediate measures for the protection of our Salt revenue. With this view we direct that you will lose no time in preparing and transmitting home for our sanction, a regulation imposing such a rate Duty on the *importation of all foreign Salt* as shall have the effect of securing the revenue derived from that article, by which regulation it should be provided that the merchants shall be at liberty to deposit such Salt in the warehouses of the Government, previously to the payment of the duty, but that no such Salt shall be removed from thence until the duty be paid.

11. We desire that in framing both the Opium and Salt regulations you will consult with your law officers, with the view of preventing any legal difficulties, in the way of their obtaining the sanction of the authorities in this country.

12. We fully rely on your active and zealous co-operation on an occasion where the public interests are so deeply concerned, and trust that you will lose no time in carrying our directions into effect.

— No. 18. —

EXTRACT LETTER, in the Separate Department, from the Governor-General and Council in *Bengal*, to the Honourable the Secret Committee of the Court of Directors, &c. &c. &c.; dated 11th October 1816.

Para. 1. We have the honour to acknowledge the receipt of your Despatch under date the 10th May last, communicating your sentiments on the means possessed by the Honourable Company and their several Indian Governments of guarding the revenue derived from the exclusive manufacture and sale of Salt and Opium; and conveying your directions that we should prepare and transmit to you regulations imposing such duty on the importation of foreign Salt and Opium, as shall have the effect of securing the revenue derived from those articles.

24. With respect to *Salt*, no regulation, we believe, will be required, either at Prince of Wales Island or Fort Marlbro'.

25. How far the different circumstances under which a revenue is drawn from Salt at Madras and Bombay may render necessary, in the rules framed at those Presidencies respectively, some deviation from the draft now framed by us, the Governments of those Presidencies will, of course, best be able to judge; and we do not conceive that any material advantage would result from a reference to this Government on account of variations arising from such a cause.

— No. 19. —

EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor-General in Council in *Bengal*; dated 24th October 1817.

Letter from the Governor-General in Council to the Court of Directors, dated 7th October 1815.
(75 to 81) Salt Accounts for 1220 S. S., or 1814/15.

Para 27. The Salt Accounts for 1814/15 exhibit a much more unfavourable view of this important branch of our revenue than any which have been brought before us since 1806/7. The net profit on the Salt sales of 1814/15 is stated at Rs 1,01,87,667, being less than the net profit in the year immediately preceding by Rs 20,08,417, and less than the average net profit of the seven preceding years by Rs 14,52,696. This decrease of profit is attributed to three causes: 1st, To an increase in the cost and charges of the Salt provided; 2dly, To a diminution of the quantity sold; and, 3dly, To the reduced prices obtained at the public sales.

28. The Board of Trade state in their Report of the 12th September 1815, that there was an increase of Rs 3. 3. 11. per 100 maunds in the cost and charges of the

* Cost per 100 Maunds of 82
Sicca weight

1229	-	Rupees,	87	2	7
1220	-	-	90	6	6

More in 1220, 3 3 11

† R^s 75,182.

† Provision of Bengal Salt in	
1219	- - M ^{ds} 48,69,227
1220	- - - 37,69,050

Less in 1220 M^{ds}, 11,00,177

§ Quantity of Salt sold in	
1219	- - M ^{ds} 51,50,673
1220	- - - 45,48,397

Less in 1220, M^{ds} 6,02,276

Selling Price per 100 M ^{ds} in	
1219	- - - R ^s 324 - 5
1220	- - - 306 13 4

Less in 1220, R^s 17 3 1

Salt sold in 1220,* (1814/15) occasioned by the establishment having been borne by a smaller quantity of Salt in that year than in the year immediately preceding, and by the donation† which was granted to the Molunghees on account of the abolition of the surplus system. The provision of Bengal Salt in 1220‡ having been Maunds 11,00,177 less than the provision in 1219; and some of the items of charge in the Salt Department, such as callary rents, Zemindar's moshaira and Salt-office charges being the same or nearly the same every year, whatever may be the quantity of Salt manufactured, they of course fall more heavily upon a smaller than upon a larger provision. We should, however, have expected that this circumstance would have been at least counterbalanced by the cessation of the heavy expense attendant on the surplus system.

29. The reduction of maunds 6,02,276§ in the quantity of Salt sold in 1220; and the simultaneous fall in price of R^s 17. 3. 1.|| per 100 maunds cannot, we apprehend, be satisfactorily accounted for otherwise than by the prevalence of smuggling, which the proceedings noticed in a preceding part of this Despatch establish, beyond a doubt, to have been carried on to a great extent in Behar.

30. The circumstance of there being no outstanding balances in the agencies of Tumlook, Hidgellee, and Bullooh and Chittagong, on account of the manufacture of 1220, is creditable to the agents in those divisions.

31. You will report to us the result of the measures which the agent in the 24 pergunnahs was instructed to take for the recovery of the heavy balance of R^s 34,668, reported to be outstanding in that division, and for the detection of the embezzlements of which the native servants were suspected.

32. The defalcation in the Salt revenue for several years past has been to us matter of the most serious regret; and though we have learned, from recent advices, that the sales in 1815/16 were more productive than those of the preceding year, we cannot too earnestly recommend to your attention such measures as may appear most conducive to the restoration and improvement of this branch of the public resources. It certainly ought, under proper management, to advance with the growing population and prosperity of the country; and, as we have formerly had occasion to remark, we should, on every ground, greatly prefer a moderate profit on a large sale, to a higher profit upon a small one. We are aware that as long as the Company continue to draw a large revenue from this article, the temptation to smuggle will continue to operate; but the temptation will be less powerful when the market is liberally supplied at a moderate price, than when it is sparingly fed, and the prices are exorbitant. We take this occasion most strongly to impress upon you, that nothing is further from our wish than that the population of the country should be subjected to the alternative of paying extravagantly for one of the essential necessities of life, or for procuring it by clandestine and illegal means.

— No. 20. —

EXTRACT LETTER, in the Separate Department, from the Court of Directors, to the Governor-General in Council in *Bengal*; dated 8th August 1821.

Para. 11. In our Despatch of 9th November 1814, we remarked on the tendency to go from one extreme to another in your proceedings relative to the provision of Salt, and expressed our apprehension that the simultaneous resumption of all the encouragements which had been given to the several sources of supply, might occasion a future deficiency in some degree proportioned to the redundancy which has resulted from the combined operation of these encouragements. Such a deficiency has occurred, and though it is attributed by you exclusively to extraordinary calamity of season, we cannot but think that a very considerable share of it must be ascribed to the sudden and simultaneous abandonment of all the measures that had been adopted for securing an abundant supply.

Letter from the Governor-General in Council, to the Court of Directors, dated 28th February 1817.

Letter 28th February 1827—Paras. 16 to 37.

Letter 4th July 1816—Paras. 11 to 13 and 39 to 44.

Letter 19th September 1817—Whole.

Letter 24th October 1817—Paras. 4 to 27.

Letter 17th July 1818—Paras. 47 to 59.

Letter 30th July 1819—Paras. 40 to 48 and 79 to 87.

Proceedings relating generally to the provision of Salt for the Calcutta sales, and to what extent it may be necessary to carry the manufacture of the Bengal and Cuttack agencies, and the importations from the Coast of Coromandel.

12. Taking in one connected view the whole of your proceedings in relation to the provision of Salt, from the institution of the surplus system to the date of the latest documents in our possession, we cannot fail to be struck by the very great fluctuations in your management of this branch of the revenue, which assumes much more the appearance of a series of experiments towards the discovery of an efficient permanent system, than of a system itself; and, though we are aware that a definite and well-regulated scheme of management can only be founded on the well-established results of successful experience, yet we think it must be obvious to you, on impartial retrospection, that the experiments have been too hastily and generally made, and too hastily and generally abandoned. The surplus system, for example, was alike carried into effect and abrogated, in all the agencies simultaneously.

13. It is sufficiently on record that there was great difficulty in procuring a sufficient supply for the periodical sales prior to 1812-13; in consequence of which difficulty, encouragements had been given to large importation. The flourishing state of the Bengal manufacture in 1812-13 induced the Board of Trade to suggest that those encouragements should be withdrawn.

14. The deficiency of the supply prior to 1812-13 was considered to have been owing, in a very great degree, to the prevalence of extensive illicit traffic, the Molunghees obtaining from the dealers in smuggled Salt a higher price than that paid by Government. It was therefore proposed that one rupee per maund, the price demanded by the Molunghees from the dealers in smuggled Salt, should be paid by Government to them on all surplus Salt produced by them above their tahoods. This plan was carried into effect in 1812, at all the agencies, under the denomination of the surplus system; and it was expected that the advantages of this system would be immediately visible, in the satisfaction of the manufacturers, in the amelioration of their condition, in the stimulus which it would give to their industry, in removing from them the motives to illicit trade, in the consequent decrease of smuggling from the Aurungs, in the decrease of illicit traffic generally, in the increase of produce, in the increase of quantity delivered at the Government golahs, and in the increase of profit to Government.

15. That many of these advantages attended the adoption of the surplus system is unquestionable; but its operation, combining with the effects of two very favourable seasons, was attended with so large a surplus produce that the stock in hand at the beginning of 1814 amounted to 65,00,000 maunds, exceeding the quantity required for the sales of the year by 19,00,000 maunds. It was therefore determined to abolish the surplus system, and to restrict the manufacture below the average quantity required for the periodical sales, till the balance in store should be reduced to the standard at which it might be expedient to maintain it.

16. It was now stated, as a paramount disadvantage inseparable from the continuance of the surplus system, that it would cause a permanent injury to the Salt revenue, by causing a heavy increase in the expenses of the agencies, and involving the necessity of purchasing at an enhanced price a much larger quantity of Salt than could be required for the periodical sales.

IV.
Administration of
Monopolies.
Salt.

17. Among the means of restricting the manufacture, it was suggested to abandon a certain number of the Aurungs. It was at this time observed by the Hidgellee agent (13th November 1813) that, "if any of the Aurungs were laid aside, it might be doubted if they could again be made efficient. The Molunghees might lose confidence in an employment on which their families had depended for generations, and might seek other sources of subsistence; and it might hence be difficult, if not impracticable, to increase the provision again when circumstances at a future period might make it expedient to do so." This remark was applicable, not only to the abandonment of Aurungs, but to every other cause by which a number of Molunghees might be thrown out of employ, and its truth has been verified by the great difficulties you have recently experienced in your endeavours to enlarge the produce of the agencies.

18. It was evident that the great and sudden restriction of the manufacture must either throw many Molunghees out of employment, or renew, with additional force, their former temptations to illicit traffic. Such was the result; many Molunghees were thrown out of employment, and a very enlarged illicit traffic appeared among the immediate consequences of the restriction.

19. The reduction of the balance in store was now a primary object with you, and your Letters, as far down as the second of those now under reply, (28th February 1817,) pointed out the progress which you were making in this reduction by means of continued restriction on manufacture and importation. In the Letter last referred to, you expected that the balance in store would be reduced by the end of 1817 to about 14,00,000 maunds, at which amount you considered it would be expedient to maintain it, to guard against future deficiency from unfavourable seasons. But in the Letters of the 4th July and 19th September following, you inform us, that, in consequence of the singularly unfavourable circumstances of the season of 1817, the restrictions on importation had been suspended, the sales of the year had been but 44,00,000 instead of 46,00,000 maunds as had been intended, and the stock in hand had been reduced to

* Balance in Store; end of 1816,	23,99,230	3,30,589 maunds.
Expected to be reduced	- 14,00,000	The provision of the year was thus found on
Actually reduced to	- 3,30,589	the 19th September to have fallen short of your expectations on
	10,69,411	the 28th February by 12,69,411 maunds.* You found it neces-
Sales less than intended, by	- 2,00,000	sary, therefore, to enlarge the provision of the Bengal agencies,
Provision short of Estimate /17	- 12,69,411	and the importation from the coast of Coromandel.

20. In your Letter of 24th October 1817, you communicate to us the results of the reports for which the Salt agents had been called on, with respect to the capabilities of the Bengal Aurungs, and their maximum, medium and minimum produce under the several contingencies of favourable, moderate or unfavourable seasons; and you enter into a speculation on the probable results of these several contingencies in connection with the several contingencies of the results of the Cuttack agency, and of enlarged or restricted importation. In consequence of the views which these several results presented to you, you directed an enlarged importation from the coast, and ordered the several Salt agents to form arrangements for the manufacture of the maximum quantity specified in their several estimates.

21. In your Letter of the 17th July 1818 you inform us, that, with reference to the deficient sales of the preceding year, and the high price of Salt then prevalent, you had resolved on bringing to sale 48,00,000 maunds, and on selling a larger quantity than usual at the earlier sales, and that, in pursuance of this resolution, you had already sold at the three first sales of 1818, 35,00,000 maunds; but that the produce of the agencies having been less than the medium produce, and the supplies from Cuttack having been very deficient, it would be necessary either to reduce the proposed quantity of the September sales, or to include in them a disproportionate quantity of foreign Salt. With a view, however, of supplying as large a quantity of Pungah Salt as possible, you intended to sell by anticipation two lacs of maunds of Cuttack Salt, to be delivered by the 1st February 1819, which you inform us in your Letter of 30th July 1819 had been favourably effected; but the deficiency on the produce of the agencies and in the supplies from Cuttack had compelled you to reduce the September sales of 1818 from 13 lacs, as proposed, to 12 lacs of maunds, and that consequently the sales of 1818 had been reduced in quantity one lac of maunds below the scale you had originally determined to adopt. You add that, for the same reasons as in 1818, you had resolved

resolved on bringing 48,00,000 of maunds to sale in 1819, which we find you effected,* and that, from the very small amount of the balance in store, you had authorized an unrestricted manufacture in the several agencies, and had required the same large importation as in the preceding year from

* 3 first Sales - 35,00,000
Sept. Sales Cons. }
1st Oct. 1819 - } 13,00,000

48,00,000

he coast of Coromandel. You observe that you shall nevertheless anxiously labour to place the system permanently to be pursued on such a footing as to secure the greatest practicable public advantage, although present emergencies may compel you to depart from that course which, under ordinary circumstances, you should have deemed it right to pursue. You observe also, “ We informed the Board at the same time that it was of course desirable to avoid, if possible, any increase in the cost of manufacture, provided the requisite quantity could be otherwise secured. It is still more essential to the prosperity of this branch of the revenue that any encouragement which may be given to the manufacture should be of a kind to be permanently continued without inconvenience, so that the quantity manufactured may not exceed what the fixed annual demand of Government requires. Any sudden and temporary increase which shall lead to subsequent restrictions, similar to those which have been necessarily imposed for some years past, must, in our judgment, infallibly be followed by an enlarged illicit traffic; whereas it may be hoped that, if the capabilities of the several agencies are judiciously called forth under an active, prudent and well-regulated system of management, the almost entire produce of the country may be brought into the Government golahs, and a check be thus given to smuggling much more effectually than by any direct measures of prevention.”

22. The establishment, however, of a definite, well regulated system of management must depend on the full and clear understanding of the following points: The probable permanent standard of the annual demand; the consequent permanent standard of the annual provision; the respective proportions of that provision which it may be desirable and practicable to supply from the respective sources of manufacture and importation; the manner and degree in which the interests of your Presidency, and those of the Presidency of St. George, may be affected by the adjustment of these proportions; and the amount of the balance which it may be desirable to hold permanently in store, to guard against the deficiencies of unfavourable seasons.

23. These points you have repeatedly brought to our notice as having been referred for the report and opinion of the Board of Trade, of the several authorities subordinate to that Board, and of the Government of Fort St. George.

24. In your Letter of 17th July 1818, you refer us to a Report of the Board of Trade, dated 23d September 1817; and we find recorded on your Consultations of 16th December 1818, a Letter from the Secretary to Government at Fort St. George, dated 10th November 1818, transmitting a communication from the Board of Revenue with respect to the supply of Salt from the coast to Bengal.

25. We also find recorded on your Consultations of the 6th May 1819, a report of your Board of Trade on the above communication, and your consequent reply to the Government of Fort St. George. After so repeatedly calling our attention to your expectation of those communications, we are surprized at your not having, when they were at length received, brought them specifically to our notice.

26. The probable permanent standard of the annual demand, and the consequent permanent standard of the annual provision, are assumed by the Board of Trade in their Report, dated 23d September 1817, at 46,00,000 maunds. This estimate does not appear to be made on any satisfactory grounds. We see, indeed, every reason to think that this may be assumed as the minimum amount of the demand of the market, supposing all circumstances to continue as at present; and that at the same time, even under present circumstances, a larger quantity might be advantageously sold. The amount of the sales, the amount of the selling price, and the net profit of the revenue have increased together during the last four years: viz.

		Maunds of Salt.	Net Profit. S ^a R ^s	Selling Price.
In a subsequent Collection “Salt Account.”	{ 1221 or 1815/16 -	39,34,663	83,84,568	314 12 0
	{ 1222 or 1816/17 -	44,48,676	* 96,57,251	334 8 4
	{ 1223 or 1817/18 -	45,18,697	1,04,66,030	336 3 0
	{ 1224 or 1818/19. -	47,95,342	1,11,42,639	341 4 3
320. D.		K 2		27. It

IV.
Administration of
Monopolies.
Salt.

27. It is evident that improved efficiency in the checks to illicit traffic will increase the demand on the lawful market. We speak only of the actual demand of the market as it now exists, without taking into consideration the probable increase of demand from the improvement of the country and the increase of population. Increased demand from the latter causes will be gradually progressive, and may be met by gradually progressive measures.

28. The profit derived by you on the coast Salt sold at the Calcutta sales is confessedly very inferior to that derived from the Salt manufactured at the Cuttack and Bengal agencies. In the degree in which the joint profit derived by you and the Government of Fort St. George from the coast Salt is inferior to the single profit derived by you on the Salt of your own agencies, a loss is sustained by the trade in Coast Salt; and the company, which is equally interested in the transactions of both Presidencies, must be considered a loser by the difference. there will remain only the advantage derived by the ship-owners to be set off against this loss; and unless it can be shown that the advantage derived by them is, on an enlarged view of the question, an advantage well purchased by the loss sustained us, the expediency of continuing the importation of coast Salt is not on this ground made apparent. The necessity of importation will then stand on the sole ground of the inadequacy of the agencies to the supply of the market. This inadequacy is by no means clearly established. The very great redundancy of the supply under the operation of the surplus system, and the very extensive measures which, in consequence of that redundancy, you adopted for checking the too great production of the agencies, would seem to show that the agencies alone are, under certain circumstances of encouragement, even more than adequate to the full supply of the market.

29. The Board of Trade in their Report dated 23d September 1817, advert to a Letter addressed to the Government of Fort St. George by the Board of Revenue at that Presidency on the 12th November 1813, from which it would appear that the revenue derived by the Government at Fort St. George from Salt exported to Bengal is very inconsiderable; but that the trade being of material assistance to the ship-owners, the Board of Revenue would, on the latter account only, regret its extinction.

30. It appears from the Report of the Madras Board of Revenue, dated the 5th November 1818, that the profit to the Madras treasury on a Madras garce of Salt, 120 Bengal maunds, is on an average about eight Arcot rupees; and though the Board of Revenue propose, when the stock in hand at Covelong is exhausted, to confine the exports to Bengal chiefly to Rajahmundry and Nellore, when it will be fair to calculate the average revenue derived by the Company at the Madras treasury on Salt exported to Bengal at 12 Arcot rupees per garce, still the profit is so inconsiderable

	Total Charges. A. Rs.	Profit to the Madras Treasury.
Vizagapatam	16 5 5	7 10 7
Rajahmundry	11 15 -	12 1 0
Nellore - -	12 15 7	11 0 5
Covelong - -	17 14 5	6 1 7
Tanjore - -	12 8 11	11 7 $\frac{11}{16}$

as to weigh nothing in the scale against the great inferiority of the profit derived by you from the sale of the imported Salt, compared to that derived from the Salt of the agencies. The difference is estimated, in the Report of the Madras Board of Revenue, at about 84 rupees per %, maunds; but it appears to be most correctly estimated by your Board of Trade on an average of 10 successive years, (excluding the years of the surplus system,) at 63. 5. 7. per 100 maunds. The loss sustained by the general Government is therefore Sicca Rs 54 on every 100 maunds of coast Salt imported by your Presidency. The loss on 3,00,000 maunds is 1,62,000 sicca rupees.

Loss to Bengal -	63	5	7
Gain to Madras -	9	5	7
	54	-	-

12 Arcot rupees per Madras
garce being S^aR^s 9. 5. 7. per
100 Bengal Maunds.

31. "If," says the Madras Board of Revenue, "by relinquishing altogether the importation and sale of Coast Salt in Bengal, and increasing to a corresponding extent the sale of Bengal Salt, the price of the latter would not be affected, nor the total quantity of Salt purchased in any material degree diminished, it would follow that this sum (of sicca rupees 1,62,000) is sacrificed, and that all considerations immediately connected with the merchants and inhabitants of the coast ought to give way before so serious a sacrifice of the public revenue."

32. It appears, so far as we have at present means to judge, that the interests of the Government of Fort St. George are not promoted by the exportation of coast Salt; that the interests of your Presidency suffer by the importation of it,
and

and that the only two arguments for its continuance beyond the absolute deficiencies of the agencies are, 1st, the necessity of promoting to a certain extent the interests of the ship-owners at the expense of your own revenue; and, 2dly, the necessity of supplying the market with a certain quantity of the worst kind of Salt.

33. With respect to the first of these points, we cannot admit it as deserving of consideration, unless it were shown that through the limited encouragement given to these ship-owners, an advantage were derived by the Government or the public, of which, under any other circumstances, they would be deprived.

34. With respect to the second point, the necessity of supplying the market with a certain quantity of the worst kind of Salt, the Board of Trade is of opinion that, because a part of the population has become habituated to a bad kind of Salt, and prefers it on account of its cheapness, the Government must necessarily continue to bring a certain proportion of inferior Salt to sale, and that this inferior Salt can, with most advantage to the revenue, be furnished by importation from the coast of Coromandel. We think the solidity of this opinion very questionable. If the whole quantity supplied were Pungah Salt of the agencies, or if the requisite quantity of inferior Salt were supplied by Kurkutch Salt of Cuttack, and if the supply of Coast Salt were discontinued altogether, it is not to be supposed that the former purchasers of the Coast Salt would not become, to the extent of their means and necessities, purchasers of the substituted supply; they would purchase at least an equal, and, in all cases in which their means would admit it, to a greater money value than before: it is matter of easy calculation that the same gross receipt on a given quantity of Coast Salt, and on a smaller quantity of Bengal Salt, yields a higher net profit in the latter than in the former case; the public revenue therefore would not suffer by the change; but it may be said that the means of the poorer classes of the community enable them to consume only the smallest possible quantity of the worst kind of Salt, and that if the worst kind should cease to be supplied, the inevitable diminution of the quantity of their consumption will be a serious grievance to them, to which the improved quality will not be a counterbalancing advantage. This difficulty, however, is sufficiently met by the remarks of the Board of Trade, in their Letter of 30th March 1819; that the measure of relinquishing the importation of Coast Salt “ would ultimately be attended with a proportionate advantage by enabling them (provided the Bengal and Cuttack agencies were capable of satisfying, without any risk of failure, the entire demand of the Bengal market) to give to the consumer a better Salt at the price probably now paid for Coast Salt, and by bringing an increased quantity of Pungah Salt to sale, to make up for the diminution which such an arrangement would naturally occasion in the price; and by lessening the temptation, to give a serious check to the illicit manufacture and traffic in Salt.”

35. Still it is evident that the interests of the Bengal Presidency are promoted in proportion as the quantity of Cuttack and Bengal Salt predominates over that of Foreign Salt in the periodical sales: it is therefore incumbent on you (giving all due consideration to the interests above-mentioned) to aim at supplying the sales with the maximum of Cuttack and Bengal Salt, that the capabilities of the agencies will allow, and the demand of the market will require, and with the minimum of Coast Salt that the deficiencies of the agencies, and a liberal consideration of the interests above-mentioned may render it imperative on you to supply.

36. The Board of Trade is of opinion that 3,00,000 maunds of Coast Salt will be an adequate permanent standard of importation; and though present circumstances have obliged you to exceed this quantity as a temporary arrangement, and to extend the importation to 8,00,000, we conceive that, with the agencies in a proper state of efficiency, and a proper balance in store, it will never be necessary that a larger quantity than 3,00,000 should be imported. Under such a limitation of the supply, we trust that the Government of Fort St. George will experience little difficulty in furnishing you with the best description of Salt, and in effecting an arrangement by which that supply may reach Calcutta in an unadulterated state.

IV.
Administration of
Monopolies.
Salt.

Example 1817-18.			S ^a R ^a
The sale price per % maunds }			
Bengal Salt was - - - }			360 7 10
Ditto Coast Salt - - - }			270 - 10
The net profit per % maunds }			
Bengal Salt was - - - }			276 - 5
- Coast Salt - - - }			167 4 10
20,000 rupees would have purchased, of Bengal Salt - }			5,548 mds.
- of Coast Salt - - - }			7,405 3 14
Net profit on 5,548 maunds of Bengal Salt - }			15,313 7 9
On 7,405. 3s. 14c. of Coast Salt - }			12,407 6 3

IV.
Administration of
Monopolies.
Salt.

37. In taking into your consideration the measure of entirely dispensing with the supply which you have been in the practice of drawing from the coast, it will be necessary to bear in mind the effects which any sudden abandonment of the demand from Bengal would have upon the Salt Revenue of Fort St. George, either by throwing so considerable a quantity of the produce of that Presidency on the hands of the Government, or by affording the Molunghees the means of creating an extensive contraband traffic.

38. The very small balance of Salt in store, and the inadequate production of the agencies during the two or three past seasons, evidently rendered necessary the directions you have given, for enlarged importation as a temporary measure, and of giving the Molunghees, of the Bengal agencies, to understand that they should be allowed to extend the manufacture, without restriction to the quantity which might be specified in their respective tahoods. You have also authorized, on the suggestion of the Salt agent, the revival of the surplus system in Cuttack with certain modifications, which will render the extra expense from the measure very trivial, in comparison with the great advantages that promise to result from it, both to Government and to the people of Cuttack; to Government, from the enlarged produce of the agency, which is confessedly its most profitable source of supply; to the people, from restoring to them in its full extent a branch of beneficial employment, the restriction of which had operated most injuriously on their prosperity, and of which restriction, after the promises which had been held out to them, they had very just reason to complain.

39. The amount at which it may be expedient to maintain the balance of Salt in store, you estimate in your Letter of 28th February 1817, at 14,00,000 maunds. And we observe, that in the Board of Trade's Letter, of 30th March 1819, and in your Secretary's Letter of 6th May following, the proposed amount of the balance in store is 15,00,000 maunds; viz. 10,00,000 in Bengal, and 5,00,000 in Fort St. George. There are many considerations which induce us to question the sufficiency of these estimates. The balance in store at the end of 1816 was

	Maunds	23,99,230
The balance you expected on the 28 February 1817, would be re-		
duced by the end of 1817, to about 14,00,000, but it was actu-		
ally reduced to		3,30,589
You were thus obliged to draw, for the supply of the year, from		
the balance in store		26,68,641

And notwithstanding this, you were still obliged to sell 2,00,000 maunds short of the intended sales. Under the circumstances of this season, it would have been necessary to have had in store, at the end of 1816, 36,86,641 maunds, in order to meet the full demand of 1817; and to have in store, at the end of 1817, a balance of 14,00,000 maunds. Notwithstanding the enlarged importation and unrestricted manufacture of 1818, the supply fell short of the estimate, and you were obliged to sell one lac of maunds less than you had intended for the sales of the year. The balance in store at the end of 1818, was 2,86,589. Under the circumstances of this season, it would have been necessary to have had in store at the end of 1817, maunds 15,44,000, in order to meet the full demand of 1818, and to have in store, at the end of 1818, a balance of 14,00,000 maunds.

40. In the year 1818, the various sources of supply were called on for unrestricted exertions. Taking the years 1817 and 1818 together, you drew from the balance in store

	20,68,641
	44,000
	21,12,641
and diminished the intended sales by	3,00,000
The joint deficiency of these two years was, therefore,	M ^{ds} 24,12,641

41. The minimum produce of the Bengal and Cuttack agencies is estimated at 33,53,000
It is also stated to be at any rate not desirable, as a permanent measure, to import from the Coast of Coromandel more than 3,00,000

	36,53,000
The demand of the market has not of late been less than	46,00,000
Deficiency in unfavourable seasons	9,53,000

Therefore,

Therefore, in the event of two successive unfavourable seasons, the deficit of 19,06,000 maunds must be supplied either by enlarged importation or by a balance to that amount in store.

42. Therefore, on the ground of experience, to guard against one such season as 1817, or two such seasons in succession as 1817 and 1818, would require a balance in store of nearly 25,00,000 maunds; and on the ground of calculation, to guard against two successive unfavourable seasons, yielding only the minimum produce, would require a balance in store of nearly 20,00,000 maunds; and in both cases the supply of the market would consume the whole of the balance. These considerations would seem to show, that the permanent standard of the balance in store ought not to be assumed at less than 20,00,000 maunds; but we do not by any means lay down this deduction as a rule for your guidance. We content ourselves for the present with calling your attention to a view of the subject which we conceive ought to be taken, in order that your prospective measures may derive the best use from the results of experience.

43. In the preceding examination we have taken a careful view of the present state of information and opinion on all the important points connected with the provision of Salt. On some of these points the results of further experience appear to be wanting, before a definite permanent system can be established. In the mean time, by giving the highest degree of encouragement to the best source of supply, in revising with very judicious modifications the surplus system in Cuttack, by giving the second degree of encouragement to the second best source of supply, in sanctioning an unlimited manufacture in the Bengal agencies; and by recurring for the supply of present deficiencies to the third and least beneficial source of supply, importation from the Coast of Coromandel, on an enlarged scale, as a temporary measure only, till the present necessities be removed, and till the various interests involved in the continuance or abrogation of that importation be better understood, you appear to have graduated your present measures on the most judicious scale which present circumstances allow, and to have left a sufficient opening for more permanent future arrangements.

— No. 21. —

EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in *Bengal*; dated 17th November 1826.

Para. 52. WE are desirous that the price allowed to the Molunghees for their Tydaad Salt should, according to the circumstances of each place of manufacture, be such as to afford them an adequate profit, and that the greatest attention should be bestowed by the agents and their superintending officers in ascertaining as correctly as possible the productive powers of the various Aurungs, before they enter into detailed engagements with the manufacturers.

Letter from the Governor General in Council to the Court of Directors, dated 30th July 1823. (229 to 233) Temporary adoption of the surplus system, or an enhanced price on the Salt delivered by the Molunghees in excess of their engagement.

53. In general we conceive that this adequate price would suffice to call forth the productive powers of the several Aurungs to the full extent of their capabilities; and if the engagements formed by the agents with the Molunghees were duly proportioned to those capabilities, the means of effecting a surplus produce would be so much limited that the danger of smuggling from that source would not be very great. When a bounty, as on the present occasion, is given to each manufacturer for all the surplus Salt which he may be able to deliver before the close of the manufacturing season, we are of opinion that this bounty should be regulated by the quality and quantity of Salt delivered, and not with reference to its proportion of the tydaad.

54. As it is to be expected that in proportion as you succeed in preventing smuggling, the demand for the Government Salt will increase, we are led to hope the inconveniences which induced Government in 1813/14 not only to abandon the surplus system, but greatly to diminish the tydaads of the several agencies, will not be again experienced; and when such is the case a resort may be made to the surplus system with less apprehension of danger.

IV.
Administration of
Monopolies.

Salt.

EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in *Bengal*; dated 11th July 1827.

Letter from the Governor General in Council to the Court of Directors, dated 23d March 1821. (94 to 101; also Letter 19th December 1822, and 30th July 1823, paras 2 to 10; 17 and 158 to 176.) Salt accounts for the years 1818/19 to 1822/23, and provision for the years 1820–22 and 23; also explanation of the circumstances which led to the high price of Salt in 1822, and of the measures taken for preventing their recurrence.

Para. 23. THE results exhibited by the accounts of these years are certainly in a high degree satisfactory. They indicate good administration in all the agencies; but we regret to observe that the very desirable object which you have long had in view, of effecting an increase of revenue from enlargement of consumption, instead of an increase of price, has yet been so imperfectly attained. In the 160th paragraph of your Letter in this Department, of

30th July 1823, you observe that, “though the prices have been higher than we could have wished, the result of the statements” for 1820/21 and 1821/22 afford a gratifying evidence of the stability of this branch of the resources of Government. We are, however, of opinion, that the stability of the Salt revenue, as well as the comfort of the people, essentially depends upon the extension of consumption.

24. In that part of the 3d paragraph of your Letter of the 30th July 1823, in which you speak of fixing the net revenue which it is necessary to draw from the Salt monopoly, your meaning doubtless is, that whenever it appears that the average rate of consumption will, at the stated price, produce more than the amount which you have so fixed, the price shall be reduced. Of this principle we cordially approve, but should not less strenuously condemn any attempt to keep up the revenue of this amount through enhancement of price. The greater the quantity on which a given revenue is raised, the lighter of course, as you justly remark, is the taxation, and the more secure the public resources; while another material advantage is, that by lowering the price you diminish the temptation to smuggling; and hence, that measures less annoying to the people, and of less expense, will suffice for its prevention. We are extremely happy to perceive that you attach importance to the diminution of the cost of this article to the people, which, to so great a part of them, constitutes their only luxury. We hope and confidently trust that there will be sufficient enlargement of sale to enable you to realize an adequate amount of revenue from this source, consistently with a reduction of price, which of course will be gradual, but finally we doubt not will be large. We however wish you to consider whether, instead of periodical sales, the public might not be supplied with Salt from the Government warehouses at a fixed price, whereby the subordinate monopoly of the Salt merchants, who now purchase the Salt in large quantities at those sales, would be prevented, and Salt would not be liable to those excessive fluctuations in supply and in price to which the article is now subjected. We only throw out these suggestions for your consideration. We are most anxious that a limit should be put to the rate of this tax, and that the people should have the benefit, in reduction of price, of any increase of sale which the progress of demand may produce.

25. We are happy to perceive, by the experience of the last two or three years, that no apprehension is to be entertained of the want of means in the combined agencies, of extending the manufacture sufficiently to meet any demand; and all that is wanted is, that the Superintending Board should carefully attend to the circumstances influencing the demand and supply, a correct estimate of which will always enable you to adjust the one of these to the other.

26. We attach great importance to the experiment which is going on at Saugor, and conceive that very sanguine hopes may be entertained of its leading to the discovery of improved methods, by which the cost of production will be reduced, and the means of regulating the quantity to any state of demand will be placed more completely and promptly at your command.

27. The prospect with respect to the supply of Salt from Madras has also materially altered, the quality having been improved, the relative price has so much increased that a greater rate of profit has been derived from it than from the average of the Bengal manufacture. We are anxious to be furnished with a Report on the comparative qualities of the Coast and Bengal Salt, and on the means which have been successfully adopted for improving the quality of the former.

former. In procuring this information from the Government of Fort St. George, we desire that you will enter into a full consideration of the advantages to be derived by an unrestricted trade in Salt and Grain between the two Presidencies, as the inconveniences resulting from the inferior quality of the Coast Salt can no longer be assigned as a reason for restricting the trade in those articles. The motive which exists for increasing it, as far as can be done without counterbalancing inconvenience, is sufficiently obvious.

28. The attempt of the more extensive dealers to create a sub-monopoly in their own favour, which occasioned the rise of price in 1822, defeated itself with so much loss and so much danger of ruin to the parties concerned, that we think with you there is little hazard of any such purpose being renewed. You are now also upon your guard, and, in case of a repeated attempt, the indulgence which you granted to them will not again be expedient.

IV.
Administration of
Monopolies.
Salt.

— No. 23. —

EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in *Bengal*; dated 10th June 1829.

Para. 34. THE correspondence to which we are here referred is voluminous; and we perceive by it that no small portion of your time, and of that of the local officers and Board has been bestowed upon it. We are sorry not to be able to add that the good effects have been correspondent; for neither in respect to sufficiency of supply, nor protection of the Revenue, do we see any reason to conclude that your securities are improved. You observe that much of the subject was still under consideration, and could not be finally disposed of in the Letter then to be dispatched. In these circumstances we must content ourselves for the present with repeating, as we have often done, our great anxiety that you should be able at last to mature your plans upon this great concern, and let us know with some degree of certainty, what it is, and what it is not, in your power to effect.

Letter from the Governor General in Council, to the Court of Directors, dated 31st May 1827. (137 to 147, and 234 to 237.) Correspondence referred to, in proof of attention to the improvement of the Salt administration, particularly in respect to two points: sufficiency of supply, and security of the Revenue; objections against taxing the Karee Noon manufactured in Behar; inquiries as to the good or ill effects of the Chokey system, and deputation of Mr. Chester for the purpose of inquiry; increase of price to the Molunghees in Bulloah and Chittagong, proposed by Mr. Chester; increase granted to those in the 24 pergunnahs.

35. We perfectly concur in your decision with respect to the Kharee Noon manufactured in Behar, and in the sentiment on which the decision was grounded, that a measure is not advisable "which cannot but be harsh in its operation upon the poorer classes, and at the same time productive of little, if any, net revenue to the Treasury."

36. We have observed on your consultations, though not noticed in your Letter a correspondence with the local officers in the several agencies on the question respecting which we formerly communicated to you our doubts, viz. whether the separation of the golah and the manufacturing omlah, or performing both sets of duties by one set of officers, was attended with the greatest advantages. As far as a very general concurrence of opinion affords evidence, you had reason to decide as you did, that the plan of separation is the best. You had also, we think, evidence to justify the favourable opinion you retain of the Chokey system.

37. Our attention has been attracted, in a particular manner, to the correspondence on the subject of increase of price to the Molunghees. You have recognized the necessity of granting an increase of three annahs per maund in Pergunnah Calcutta, under the apprehension that the Molunghees would otherwise desert the manufacture. Yet the circumstances stated in the Letter of Mr. Secretary Mackenzie to the Salt Board, dated 14th September 1821, and quoted in our Letter to you in this Department, dated 11th July 1827, led you to doubt the statements of the agent regarding the insufficiency of the existing remuneration. With respect to the other agencies you have suspended decision and desired further information, having deputed Mr. Chester, a Member of the Board, to perform for that purpose a local investigation. In the mean time, in order to obviate a threatened deficiency in the supply of the year, you had authorized an additional remuneration for any quantity manufactured after a certain date. And we cannot but apprehend, from the whole import of the correspondence on the

IV.
Administration of
Monopolies.
—
Salt.
—

subject, that you will be under the necessity in future of paying a higher price for the manufacture.

38. With this prospect of an increase of cost, added to all the difficulties under which you labour from uncertainty of seasons, fluctuation of supply, and still, after all your promises, insufficient supply, we cannot but express our surprise that the means of obtaining from the coast, without any uncertainty, any quantity which you may desire, and (as we are informed on good evidence) of the best quality, should constantly appear to escape your attention. We shall call for more complete information on the subject from the Madras Government, and shall not decide without mature consideration; but the present impression on our minds is, that an arrangement far preferable to that which now exists might be made for obtaining the whole of your supply from the coast, and putting an end to the Bengal manufacture, with its complicated and most expensive machinery, altogether.

39. Your deliberations respecting the propriety of distributing Salt to the Molunghees for their own consumption; of establishing retail shops in Chittagong upon the plan of those in Cuttack; and of suppressing the manufacture of Noon Chye in Chittagong, offer no occasion for particular notice at present.

— No. 24. —

EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor General in Council in *Bengal*; dated 4th November 1829.

Para. 22. ON the occasion of stating their opinion respecting the quantity of Salt which it would be expedient to bring forward for sale during the year, the Board entered at large into the general policy of increasing the supply, and delivered it as their conclusion, that any extension much beyond the actual supply, would be attended with great loss to the revenue.

23. We confess that their reasonings are far from being as satisfactory to our minds as they appear to have been to yours. It appears to us that the Board rather assume, than prove, the great fact upon which the whole question must turn, whether the population generally do, at the present prices, receive a full supply of the article; or whether the high price does not compel them to content themselves with a quantity below what they would like to enjoy. It is not a solution of this question to tell us, that there is a certain quantity of Salt which answers the demand of every individual; and when the individual has already the command of that quantity, he will increase it but little, however much the price may be reduced. This nobody doubts; but still the question remains, whether or not the population of Bengal do obtain this full quantity. The opinion which we have long entertained is that they do not; and that at a lower price they would consume a larger quantity.

24. We are quite willing to allow, that on neither side of this question can an opinion be considered as more than probable. It is to be determined by experiment, and not by opinion, least of all by the opinion of the Salt merchants. We also fully concur with you, that in the present state of your finances, the experiment ought not to be tried in such a manner as to risk any considerable loss of revenue. But we see no reason to anticipate that such would be the effect of a moderate but steady increase of the quantity from year to year. The result of any one year, it is obvious, cannot be regarded as a test; a series of years are required, more especially with the means which, under the present system, are possessed by the Salt merchants, of influencing the market, and which means the anticipation system, which you have since abandoned, was well calculated to augment.

25. The difficulty of procuring from your own agencies, not only an increase of supply, but even steadiness at the present amount, and the constantly increasing cost of production, we trust are at last prevailing upon you, to look to the coast as a source from which you may derive, with great advantage, a much larger proportion of your annual quantity than you have hitherto accepted from it. Our sentiments on this important point have been so often urged upon you, on former occasions, that we shall not dwell upon them at present. It is necessary for us, however,

however, to take notice of your decision respecting the proposal of Mr. Trotter, which you have communicated to us in your Letter in this Department, dated 30th October 1828, paras. 218 and 219. We have received a Memorial from Mr. Trotter, who was then in England, upon the same subject, and will state to you in a few words, what has occurred to us respecting his proposal.

26. It is Mr. Trotter's opinion, and he appears to have bestowed a great deal of attention on the subject, that the Coromandel Salt might undergo a process of purification at Calcutta, which would adapt it perfectly to the Bengal market; that this article might always be supplied steadily, without dependence on the seasons or other cause of fluctuation; that it could be supplied at a less cost than the Salt manufactured at your own agencies; and that the quantity might be augmented to any extent which may be deemed expedient.

27. If these objects could be so obtained, it must be admitted that a great advantage would thence be derived to your Government. We think that you were perfectly justified, in fact it would have been imprudent to have done otherwise; in looking upon a new project of this nature with distrust, and in abstaining from any steps leading to its adoption, till you were convinced by satisfactory evidence that the results which it promised were likely to be realized. At the same time there is so much probability in the anticipations themselves, that the proposition deserved a full and deliberate investigation before it was thrown aside.

28. The Board of Customs, Salt and Opium, in forwarding to you the proposal of Mr. Trotter, stated certain reasons which appeared to them sufficient to justify its rejection. And upon these reasons of theirs you appear to have acted. The reasonings of the Board, however, are conjectural; as much as those of Mr. Trotter, and are but a weak foundation on which to rest a conclusion of any importance.

29. The Board take a favourable view, in our opinion one much too favourable, of the mode of providing your Salt by the present agencies. They next adduce some considerations to show that the cost of purification would be much greater than is stated by Mr. Trotter. We do not think that these considerations go far towards establishing the point; and they are directly met by the proposal of Messrs. Alexander & Co., to contract for the supply of a certain quantity of purified Salt at the rate mentioned by Mr. Trotter.

30. The Board state that the cost of apparatus, and other requisites for making the experiment, would amount to a large sum. This undoubtedly is an important consideration. But the conjectural statement of the Board on this subject should not be taken as a proof of the fact. And, at all events, this objection does not apply to the full experiment which might be made through the contract with Messrs. Alexander & Co.

31. We are disposed to lay more stress upon the objections, also adduced by the Board, that Coast Salt may be obtained in sufficient purity for the Bengal market, without undergoing the process of purification. If so, there is, of course, no motive for subjecting it to that process. To this opinion, from all the information we have received, we ourselves incline. But if such be the fact, it sets in a strong light the fault of your policy in so long and obstinately declining to avail yourselves of this great resource.

32. The prejudice which, according to the Board, the natives have to the use of purified Salt, we should not consider a formidable objection, because we think by proper means it might soon be overcome.

33. We are not prepared to pronounce an opinion, either in favour of Mr. Trotter's plan or in opposition to it; but the circumstances which are from time to time forced upon our attention, concur in convincing us, that the present system is of very arduous management; that vices prevail in it, which you have neither succeeded in removing, nor are likely to remove; and that the imperfections of it will in no long time compel you to think seriously of great alterations. We therefore conceive it to be of the very greatest importance that, in the mean time, you should be careful to explore the merits of any suggestion that may be presented to you. With this view, we transmit the Memorial of Mr. Trotter, the substance of which you have already had before you, with a most serious recommendation that it may receive a far more deliberate consideration than that which was formerly bestowed upon it; and that the experiment, unless it is finally thought by you to

IV.
Administration of
Monopolies.
Salt.

offer no reasonable prospect of success, and that it would involve an expense to Government exceeding the value of any probable advantage, should be made. We need not add, that if it be made, you should take all requisite security for its being fairly made; and to save it from any chance of being defeated in the hands either of prejudice or of adverse interest. Of your inquiries and experiments we desire that you will keep us continually apprized, as there is nothing to which we attach a higher importance than to the just and beneficial regulation of this branch of the revenue. We sincerely hope that, feeling with us upon this point, you will lose no time after the receipt of this Despatch, in instituting a full and fair inquiry; and your exertions, we are sure, will be zealous and unremitting till such time as you shall have perfected a system more in consonance with our wishes, and with the beneficent policy we desire to make the rule of our Government.

— No. 25. —

EXTRACT LETTER, in the Separate Department, from the Court of Directors to the Governor-General in Council in *Bengal*; dated 23d February 1831.

Letter from the Governor General in Council, to the Court of Directors, dated 8th December, 1829.

(14 to 35) Correspondence with the Board of Customs, &c. respecting the supply of Salt for the ensuing year, and respecting the mode of administering the Salt Department for the future.

Para. 6. ON the first and more limited subject, the supply of the year, we have few observations to offer. You considered it the safest course to make no alteration in the existing mode, either of providing the article or vending it; deeming it however necessary, in consideration of the quantity on hand, to limit the amount of the manufacture.

7. The correspondence of the Board is chiefly employed in establishing certain opinions which form the basis of the plan which they would recommend for the future administration of this branch of the revenue.

8. We shall first advert to a position of theirs which they had urged on a former occasion, viz. That the population supplied with Salt from the Calcutta sales consume as much as they have occasion for, and would not increase their consumption if the price were reduced. We offered some remarks on this supposition in our Despatch in this Department, dated 4th November 1829, to which we have not yet received your answer, and to which we again direct your attention.

9. It is stated in support of this opinion in the correspondence before us, that six seers of Salt is the annual consumption of one man, and that, according to the most probable estimate of the number of inhabitants, this quantity is actually supplied to each. This however does not appear to us to be sufficient. The Board may know that six seers only are consumed at the present price, but we distrust their inference, that more would not be consumed at a lower price.

10. As little satisfactory is their reference to the annual returns of golah clearances, to show that the increase of supply has kept pace with the increase of population. This has no tendency to prove that at every one of those dates the same population would not have taken off a greater quantity at a smaller price.

11. We admit, however, that doubt may be entertained whether reduction of price would be accompanied by a proportional increase of consumption. This can be determined only by experiment; and we agree that the experiment ought to be made cautiously by slight alterations at a time, either by a small reduction of the price, if the stores are opened at a fixed price, or by a small addition to the quantity sold, if the plan of periodical sales is persevered in. At the same time we are decidedly of opinion, that for so important an object as cheapening to the population so material an article of consumption, a risk of some temporary diminution of revenue might not improperly be incurred.

12. We do not think that it is evidence against the making of such an experiment, that the merchants, when the sales have been large, have been dilatory in making clearances from the golahs, and have left a quantity on hand till the succeeding year. It was obviously the interest of the merchants to keep up the retail price; and if they entertained the hope, that by reserving a portion of the supply of the present year they should induce the Government to lessen the supply of the subsequent year so far as to keep up the price in that year to the same level at which they had retained it in the foregoing year, they were relieved from the

the apprehension of loss on account of the quantity remaining in store. If they had been well assured of your steady perseverance in keeping up the augmented supply, the dread of a still greater reduction of price in the second year would have prevented them from keeping back any portion of the supply of the first. We are of opinion, therefore, that the delay of the merchants in clearing the golahs is no proof that the market was incompetent to take off a greater quantity at a smaller price.

13. The arguments by which the Board dissuaded you from opening the golahs at a certain fixed price, and in this manner trying how much would be taken off for consumption under a slight reduction of price, an experiment which apparently would be attended with very little risk, appear to us likewise to require reconsideration.

14. They told you that "the departure from the established course must operate to derange in some degree the existing methods of supplying the interior, and hence would not be free from risk." This supposition appears to us to be groundless. The merchants now buy at your sales, and take the article out of your stores at such times, and in such quantities as suits their convenience for transmitting it into the interior. Their having it in their power to go to your stores and purchase the quantity which they need, at the time when they need it, does not appear to us to necessitate any derangement of the existing method of supplying the interior.

15. They further assured you, "that under the necessity of clearing Salt actually purchased, there would be a stimulus for carrying the article into the interior, which not being felt under the assurance of always being able to obtain it when wanted for a speculation, would operate to make the plan of fixed sales more favourable for the consumer than that of the fixed prices; besides that the former was in many respects more favourable to the revenue." We think that these inferences are too hastily drawn. The stimulus for carrying the article into the interior, is in all cases the profit to be made by the transaction. The necessity of clearing the Salt purchased at the sales cannot have the effect ascribed to it, because practically it has no operation, it being one of the statements of the Board that the clearances are not made. One of the effects indeed which it seems reasonable to anticipate from keeping the golahs open for the supply at all times of all demands, is that of a regular supply to the consumer; because, in that case, every person, without exception, can send Salt into the interior, whenever the profit is such as to afford him the inducement; whereas, when a few merchants at your fixed sales take off in large purchases the whole quantity sold, they can afterwards, by withholding supply, exercise for their own advantage a great degree of control over the price. That the selling at a fixed price should be more unfavourable to the revenue, if the quantity sold and the price at which it is sold are the same, is impossible. If the price is lowered by Government, on purpose that the experiment may be tried whether the lowness of price will not be compensated by increase of consumption, that is the Government's own act, the consequences of which it is willing to try; consequences wholly distinct from those of a difference in the mode of conducting the Government sales.

16. The Board give it as their opinion that the tax on Salt, as now paid by the people, is little felt. Inferences of this sort, however, should be very cautiously admitted. The sum paid by each individual is indeed inconsiderable, but when we compare it with the small amount of the earnings of a poor Ryot, the proportion does not appear to be small.

17. The plan recommended by the Board, on the strength of these arguments, is, that a quantity of Salt, to the extent of 45 or 46 lacs of maunds, and not more, should be disposed of at periodical sales in each year, and that of this no more than six lacs of maunds should consist of Salt from Madras. On the first of these propositions you did not think it necessary for you to come to an immediate decision, further than related to the question of the present year; but you concurred with the Board in their view of the permanent limit which should be applied to the amount received from the coast, though the Madras Government stated strongly their opinion that, with a view to the interests of both Presidencies, not less than eight lacs ought to be steadily supplied.

18. In addition to what is urged above, as grounds of doubt respecting the conclusion of the Board that 46 lacs of maunds is an adequate supply, we may

IV.
Administration of
Monopolies.
Salt.

still observe that though it is stated by the Board that, on the average of twenty years, the quantity of Salt cleared from the golahs and carried into the interior amounted to about $45\frac{1}{2}$ lacs of maunds, it appears by the table you have transmitted in your Letter, that, in the first ten years of this period, the average quantity consumed in the provinces intended to be supplied with your Salt amounted to 44,20,114, and in the last ten years to 47,88,230; in the last four years to 47,66,983.

19. Upon a general view of the quantities, it is evident that the consumption may be considered to be progressive, and that the quantity of $47\frac{1}{2}$ lacs of maunds may be considered as that which, at the present time, may be expected to be sold without any diminution of price.

20. A yet more conclusive opinion may be formed upon this point if the prices in these three periods be attended to.

21. In the first period the average price was 334 rupees the 100 maunds; in the second, 377; in the third, in which the quantity sold was rather below the average of the ten last years, the price rose to 399 rupees, thus showing a steady demand on the part of the consumer at an increased price; the average quantity sold in the last four years, producing at the average price of those years 1,90,20,262 rupees, and the average quantity of the ten years at the price of those years, 1,80,51,627.

22. We have no intention to urge upon you the adoption of any views of ours, because we are satisfied that you have better means of arriving at an accurate conclusion than we have; and our only desire is, that you should carefully and impartially exercise your own judgment. We have offered such observations on the arguments of the Board as we thought might deserve your consideration; and we trust that you will always scrupulously examine for yourselves the reasons which are offered to you by subordinate authorities; knowing that it is your peculiar duty to check the biases to which they may be liable.

(36 to 41.) Correspondence relative to the design of increasing the rate of duty on Salt in the Western Provinces, including Benares; and a Regulation to that effect enacted.

23. The object of the regulation is two-fold; first, to equalize the duty on the importation of Salt into the Western Provinces, and slightly to increase it, the duty on its consumption being at the same time repealed; and, secondly, to impose an additional duty upon its importation into the Province of Benares. We are in hopes that the first of these measures will not be injurious to the revenue, while it will certainly relieve the consumer from a duty of a vexatious nature.

24. Though in the province to which the second measure extends the tax upon Salt was lower than in those supplied from the Calcutta sales, we believe that the population there was at least as highly taxed, in the proportion to its means, as the population in the other provinces; and if so, it may be found that even your exchequer may not benefit by the imposition of a new duty.

25. As the measure has been some time in operation, we shall content ourselves for the present with desiring you to transmit to us full information respecting the effects which may have been produced by it; that we may know, not merely how it has affected the revenue, either as to amount or the difficulty of realizing it, but still more particularly how it has affected both the circumstances and the sentiments of the people.

26. The impost does not clearly appear to be included in the class of duties which require for their enactment the consent of the home authorities; but as the question is not free from doubt, we think it advisable to annex the prescribed form; and do hereby, with the approbation of the Commissioners for the Affairs of India, sanction and approve the regulation entitled, "A Regulation for increasing the rates of duty on Western Salts imported into or in transit through the ceded and conquered provinces, for levying a further duty on those Salts on their entering the province of Benares, and for remitting the town duty leviable under the existing regulations on Western Salts imported for consumption into the city of Benares, and towns of Mirzapore and Ghazeepore."

— No. 26. —

LETTER, in the Separate Department, from the Governor General in Council in *Bengal* to the Court of Directors, &c. &c. &c.; dated the 8th of December 1829.

HONOURABLE SIRS,

OUR last Letter to your Honourable Court, in this department was dated the 7th July last.

2. Our proceedings in the Salt department have lately assumed an importance which entitles your Honourable Court to expect that we should separately report to you on the subject of them. The orders and observations contained in the Letter of your Honourable Court in this department, dated 10th June last, Paras. 34-43, and *passim*, render it more necessary that we should not longer delay this communication.

3. Your Honourable Court is aware that, towards the end of each year, the Board of Customs, Salt and Opium, report to us ordinarily on the arrangements to be made for the supply of Salt in the following year, with reference in particular to the requisitions for this article to be made from the coast. In our Letters, dated 12th September 1828, dispatched by the private ship *Victory*, paras. 3 to 7, we referred your Honourable Court to our proceedings in respect to the Report of the Board relative to the supply of Salt for 1828. On that occasion we discussed with the Board, at some length, the prospects of its department, and the practicability of extending the supply for consumption without injury to the revenue derived by Government from Salt. We had hoped that by drawing your attention in this manner to the views we proposed then to act upon, we had complied with the wishes heretofore conveyed to us by your Honourable Court, to be put in possession of our sentiments on this subject; but we regret to observe from the tenor of some of the observations in the Letter above acknowledged, which bears a date posterior to the receipt of our Despatch of September 1828, that you were not satisfied with the information and explanations furnished by us.

4. We hasten, therefore, to supply the further more complete information, which our subsequent correspondence with the Board of Customs, Salt and Opium on this important subject will be found to have elicited; but it will be necessary that we should, in the first instance, notice that the statement assumed in para. 42, of your Letter of the 10th June last as the basis of reasoning in regard to the annual revenue and the annual supply of Salt, is taken from accounts which do not afford, and never were intended to afford, data for such calculations.

5. An examination of the items included in these statements will show that they exhibit the commercial out-turn of the *manufacture* of each year at the Bengal agencies, with the out-turn of as much Cuttack, Coast, and other imported Salt, as may be brought to sale in a different year from that of manufacture, viz. from the 1st of May to the 30th of April following; and so with the quantity sold in retail, which is exhibited for the same twelve months of account. The season of manufacture commences, as your Honourable Court is well aware, in the month of December, and continues until the end of May. The agency Salt of the season is generally first brought to sale in the month of March, and the whole of it will ordinarily be sold by the March or April following; the year's produce, however, though spread over the sales of a period of fourteen months, and sometimes more, appears entire in the annual account, the object being to exhibit a commercial balance on the operations of the year of manufacture, with a view to calculation of the agent's commission earned thereby, rather than for any purpose connected with the revenue of a given period, or to show the quantity of the article provided and given out for consumption in that space of time. The consequence is, that if the manufacture is productive, and the season favourable, a large quantity of agency Salt will appear in these annual accounts.

If, again, the produce has been short, there will be little shown; but it must not thence be concluded that more was provided for the consumer in the period comprehended in the former statement than in the latter; for its deficiency will, nay must, have been supplied either by Salt of the preceding year, sold in the early months, March and April, and already included in the previous year's

IV.
Administration of
Monopolies.
Salt

IV.
Administration of
Monopolies.
Salt.

account, or by Salt of the following year, sold in the later months, and not brought to account till the following year, because not of the same season's manufacture.

6. As much fallacious reasoning has been built upon the assumption that these statements exhibit the annual supply for consumption and the annual revenue, whereas, for the reason above stated, they do neither, we deem it necessary to submit the following analysis of the items cited by your Honourable Court, which were as follows :

	Mds.	Net Profit.
1821/22 - - -	53,79,524	1,49,07,387
1822/23 - - -	49,24,875	1,53,47,049
1823/24 - - -	50,57,447	1,29,47,397
1824/25 - - -	51,62,009	1,13,67,326
1825/26 - - -	46,13,516	1,13,46,825

Now these items analyzed, stand as follows :

	Quantity of Salt.	TOTAL.	Net Profit.	TOTAL.
1821/22:				
Agency Salt of 1827 manufacture, sold in six sales of 13 months, March to March - - -	40,82,733	- -	1,13,83,983	
Imported Salt at Sulkea, viz. Cuttack, Madras, Permit, Bombay and Rock Salt; also 9,302 maunds of confiscated Salt, sold between the 1st May 1821 and 30th April 1822 - - -	10,49,566	- -	27,71,693	
Salt sold by retail in Cuttack, between 1st May 1821 and 30th April 1822 - - -	2,47,225	- -	3,35,925	
		53,79,524		1,44,91,602
Deduct French Convention in money - - -	- -	- -	- -	3,94,215
				1,40,97,387
1822/23:				
Agency Salt of 1828, sold from March 1822 to April 1823, 14 months - - -	35,77,381	- -	1,18,06,550	
Sulkea imported and confiscated Salt, sold from 1st May 1822 to 30th April 1823 - - -	10,64,212	- -		
Cuttack retail Salt, sold from May to April, ditto	2,83,282	- -		
		49,24,875		1,51,87,476
Add amount penalty received from Salt Merchants, after deducting Convention to French Government - - -	- -	- -	- -	1,59,573
				1,53,47,049
1823/24:				
Agency Salt of 1829, sold from March 1823 to April 1824, 14 months - - -	36,54,485	- -	1,04,83,777	
Sulkea imported and confiscated Salt, sold from 1st May 1823 to 30th April 1824 - - -	11,67,734	- -	26,71,185	
Salt sold by retail, in Cuttack, from May 1823 to April 1824 - - -	2,35,228	- -	2,45,490	
		50,57,447		1,33,69,452
Deduct paid to French Government as per Convention, and premium to Salt Mer- chants - - -	- -	- -	- -	4,22,055
				1,29,47,397
1824/25:				
Agency Salt of 1830, sold from March to De- cember 1824 - - -	35,58,127	- -	89,26,223	
Sulkea imported and confiscated Salt, sold from May 1824 to April 1825 - - -	13,10,763	- -	26,73,443	
Salt sold by retail, in Cuttack, from May 1824 to April 1825 - - -	2,93,119	- -	2,99,601	
		51,62,009		1,18,99,267
Deduct paid to French and Danish Govern- ments on account of Convention, as also the amount awarded in mitigation of pe- nalty - - -	- -	- -	- -	5,31,941
				1,13,67,326
1825/26:				
Agency Salt of 1831, sold from March 1825 to April 1826 - - -	26,23,359	- -	76,65,714	
Sulkea imported and confiscated Salt, sold from May to ditto - - -	16,26,513	- -	35,91,105	
Salt sold by retail in Cuttack, from May 1825 to April 1826 - - -	3,63,644	- -	3,35,993	
		46,13,516		1,18,92,812
Deduct paid to French and Danish Govern- ments on account of Convention, and for Salt destroyed by hurricane - - -	- -	- -	- -	5,45,987
				1,13,46,825

7. From the above statement your Honourable Court will observe, that the variation of quantity depends mainly on the quantity of agency Salt brought into the account; in other words, on the productiveness of the manufacture of the year. The following further detail for the first and last years of the statement which exhibit the extremes in respect to quantity, will explain the manner in which the apparently deficient supply of the last year was made up to the consumer; for it is a remarkable circumstance that these two years, compared with reference to the quantity of Salt advertised for sale, and actually sold in them respectively, exhibit a result the direct reverse of that on which your Honourable Court have argued. The quantity of Salt sold in 1821-22, that is, between the 1st of May of 1821 and the 30th of April 1822, was only 47,00,000; whereas, in the same period of 1825-6, there were 50 lacs of maunds sold, as will be seen noted in the statement:

IV.
Administration of
Monopolies.
Salt.

1821-22.	AGENCY SALT OF			Imported Salt and Confiscated.	TOTAL Advertised Amount.	Last Sale of the year of account, 1820-21.
	1826.	1827.	1828.			
Salt Sale of March 1821 -	1,08,000	7,92,000	- -	2,00,000	11,00,000	
Ditto - May -	- -	9,30,252	- -	2,69,748	12,00,000	
Ditto - July -	- -	10,00,347	- -	1,99,653	12,00,000	
Ditto - Sept. -	- -	5,40,000	- -	1,60,000	7,00,000	
Ditto - Dec. -	- -	4,98,044	- -	2,01,956	7,00,000	
Ditto - March 1822 -	- -	3,07,558	3,91,769	2,00,673	9,00,000	
* Add sold to the French, with small retail Sale at Tumlook, Bullooh, and Chittagong -		40,68,201	* and loss by accident }	17,222	47,00,000	
	- -	14,531	Marine and Isle of France }	314		
		40,83,732		10,49,566		

* These small items are added to balance the Account, and make the items correspond with the previous Statement.

8. From the above statement it will be seen that the March sale of 1821, which did not enter into the period of account by which the imported Salt of the year is calculated, contributed no less a quantity than 7,92,000 maunds towards the aggregate of agency Salt included in the item quoted by your Honourable Court, because that quantity of the year's manufacture was then sold, the remnant of the preceding year's produce 1,08,000 maunds, which, with two lacs of imported Salt, made up the sale allotment of March 1821, 11 lacs had been brought to account in the preceding year, as belonging thereto. Again, in the sale of March 1822, the manufacture having been favourable, the remnant of 1827 Salt for sale was 3,07,558 maunds, to which only 3,91,769 of the following year's produce required to be added to complete the sale allotment; but this latter quantity, like the 7,92,000, of the preceding March, remained to be carried to account with the rest of the produce of the same year, in the next annual statement of profit realized.

9. In 1825-26, 50 lacs of maunds were, as above stated, advertised to be sold in monthly sales; that is, in 12 sales from the 1st May 1825, to the 30th April; but the Salt of 1831 was brought forward at the two preceding sales of March and April 1825. The result of these two months have therefore been included, in order to show the distribution of the year's produce, which, from inundation and unfavourable weather, was only M^{ds} 26,23,359. On the other hand, the proportion of Salt taken from the production of the following year to make up the allot-

APPENDIX TO REPORT ON THE

IV.
Administration of
Monopolies.
Salt.

ments of the last sales of the year (1825-6), is excluded from the statement, and remains for that of the following year, when the operations of the Salt season 1232 might be under review.

1825-26.	AGENCY SALTS.			SULKEA Imported and Confiscated.	TOTAL of each SALE.
	SALT OF 1230.	SALT OF 1231.	SALT OF 1232.		
Salt sale of March - 1825 -	none re- maining.	3,59,726	- - -	40,274	4,00,000
Ditto - April - -	- - -	2,80,000	- - -	1,20,000	4,00,000
Ditto - May - -	- - -	2,50,000	- - -	4,50,000	4,00,000
Ditto - June - -	- - -	2,79,198	- - -	2,20,802	4,00,000
Ditto - July - -	- - -	2,75,000	- - -	2,25,000	4,00,000
Ditto - August -	- - -	3,36,777	- - -	63,223	4,00,000
Ditto - September -	- - -	2,55,000	- - -	1,45,000	4,00,000
Ditto - October -	- - -	1,99,736	- - -	2,00,264	4,00,000
Ditto - November -	- - -	2,18,000	- - -	1,82,000	4,00,000
Ditto - December -	- - -	1,10,400	1,66,000	1,23,600	4,00,000
Ditto - January - 1826 -	- - -	4,000	2,62,000	1,34,000	4,00,000
Ditto - February -	- - -	1,000	2,55,000	1,44,000	4,00,000
Ditto - March -	- - -	14,664	2,84,897	1,00,439	4,00,000
Ditto - April -	- - -	18,034	2,50,999	1,30,967	4,00,000
Add sales to French, and small retails as above - }		26,01,136	12,18,896	18,19,295	50,00,000
		22,224	Add Transfer -	4,348	
			Deduct trans- ferred in ac- count agency Salt being de- livered instead, deficiency in- cluded - - }	18,23,643	
				1,97,130	
		26,23,359		16,26,513	

10. The transfer deducted from the quantity of Sulkea Salt was mainly an exchange made on the application of the merchants of agency for Coast Salt on their paying the difference of price. The agency Salt given was of course of the season 1823, so as not to fall within the account of this year. That of the following season was, however, proportionably enhanced. We take this occasion to refer your Honourable Court to the result of the two years following, 1825-6, which unless the manner in which the statements are prepared were understood, might justify

justify our citing them as affording triumphant proof of the prosperous condition into which this item of revenue had subsequently been brought.

IV.
Administration of
Monopolies.
Salt.

1826/27 :	Mds.	Mds.	Rs.	
Agency Salt of 1232, sold from December 1825 to April 1826, 17 months - - }	33,51,141	- - -	1,05,20,467	
Sulkea Salt, viz. Cuttack, Ma- dras, Permit, Rock, Mocha and confiscated Salt, sold from May 1825 to April 1826 }	16,67,956	- - -	48,28,325	
Salt sold by retail in Cuttack, } from - ditto to - ditto - }	3,38,974	- - -	2,72,827	
		53,58,071		1,56,21,619
Deduct paid to French and Danish Govern- ments, on account of convention, &c. - }	- - -	- - -	- - -	4,94,753
			S ^a R ^s	1,51,26,866
1827/28 :				
Agency Salt of 1233, sold from March 1826 to April 1827, 14 months - - - }	38,64,572	- - -	1,24,04,884	
Sulkea Salt, viz. Cuttack, Coast and confiscated Salt, sold from May 1826 to April 1827 - - - }	20,49,275	- - -	59,14,258	
Salt sold by retail in Cuttack, } from - ditto - ditto - }	2,84,666	- - -	2,90,031	
		61,98,513		1,86,09,173
Deduct paid to French and Danish Govern- ments, on account of Convention, &c. - }	- - -	- - -	- - -	3,30,988
			S ^a R ^s	1,82,78,185

11. In reply to the Letter of the Board forwarding the results for the year 1827-28, we pointed out that these statements afforded no just criterion either of the quantity of Salt given out for consumption, or of the revenue realized in a given period. We hope we have made the causes of this intelligible to your Honourable Court.

12. Since, however, it is of the utmost importance that, in considering a subject of this nature, the facts which are to form the basis of argument should be clearly set forth, we hope to be excused for anticipating the review of our proceedings about to be submitted, so far as to include the following statement, which formed an enclosure in a Letter from the Board, dated 9th July last, and was prepared with the specific object of showing how the consumption of the country had been supplied since the first establishment of the present system of management for this item of revenue. We beg to refer to it, as exhibiting the only correct data upon which any conclusion can be drawn as to whether the population have been adequately supplied with Salt, or the contrary, at any given period, and as it was prepared from the Gold returns with great care, we have no reason whatsoever to doubt its accuracy.

Sep. Cons.
25 Aug. 1829.
No. 10.

STATEMENT of the Consumption of SALT in *Bengal*, - - -

YEAR	Salt Sold, but remaining uncleared in the Golahs on 31st January of preceding Year.	Quantity of Salt sold by Public Auction in the Year.	Total Quantity of Salt available, and which it rested with the Purchasers to clear.	Quantity of Salt Consumed in those Provinces which were with the Honourable Company's Salt				
				Salt cleared out of the Honourable Company's Golahs.	Retail Sales at			Salt supplied to the French Government.
					TUMLOOK.	JESSORE.	BULLOOAH.	
	1.	2.	3.	4.	5.	6.	7.	8.
1790 - -	- - -	31,09,000	31,09,000	31,09,000	- -	- -	- -	- -
1791 - -	- - -	30,15,735	30,15,735	30,15,735	- -	- -	- -	- -
1792 - -	- - -	32,50,000	32,50,000	32,50,000	- -	- -	- -	- -
1793 - -	- - -	35,66,231	35,66,231	35,66,231	- -	- -	- -	- -
1794 - -	- - -	34,00,000	34,00,000	30,20,967	- -	- -	- -	- -
1795 - -	3,79,033	36,00,000	39,79,033	57,77,957	- -	- -	- -	- -
1796 - -	2,01,076	36,00,000	38,01,076	34,29,774	- -	- -	- -	- -
1797 - -	3,71,302	33,50,000	37,21,302	35,09,137	- -	- -	- -	- -
1798 - -	2,12,165	34,00,000	36,12,165	32,34,662	- -	- -	- -	- -
1799 - -	3,77,503	34,00,000	37,77,503	32,27,693	- -	- -	- -	- -
1800 - -	5,49,810	34,00,000	39,49,810	32,44,945	- -	- -	- -	- -
1801 - -	7,04,865	30,00,000	37,04,865	33,56,420	- -	- -	- -	- -
1802 - -	3,48,445	35,00,000	38,48,445	35,20,302	- -	- -	- -	- -
1803 - -	3,28,143	39,00,000	42,28,143	37,96,662	- -	- -	- -	- -
1804 - -	4,31,481	40,00,000	44,31,481	38,90,900	- -	- -	- -	- -
1805 - -	5,40,581	41,00,000	46,40,581	42,07,181	- -	- -	- -	- -
1806 - -	4,33,400	42,00,000	46,33,400	41,55,178	- -	- -	- -	- -
1807 - -	4,78,222	43,00,000	47,78,222	44,86,514	- -	- -	- -	- -
1808 - -	2,91,708	44,00,000	46,91,708	42,22,250	- -	- -	- -	- -
1809 - -	4,69,458	44,00,000	48,69,458	42,41,974	- -	- -	- -	- -
1810 - -	6,27,484	45,00,000	51,27,484	44,21,117	- -	- -	1,275	- -
1811 - -	7,06,367	43,00,000	50,06,367	43,01,183	- -	- -	611	- -
1812 - -	7,05,184	46,00,000	53,05,184	45,50,298	- -	- -	678	- -
1813 - -	7,54,886	46,00,000	53,54,886	43,63,683	- -	- -	40	- -
1814 - -	9,91,203	44,00,000	53,91,203	43,12,741	- -	- -	10	- -
1815 - -	10,78,462	42,00,000	52,78,462	43,81,996	- -	- -	1,200	- -
1816 - -	8,96,466	45,00,000	53,96,466	46,26,578	50	- -	25	- -
1817 - -	7,69,888	44,00,000	51,69,888	43,31,863	500	- -	1,150	- -
1818 - -	8,38,025	47,00,000	55,38,025	46,41,102	100	- -	975	12,000
1819 - -	8,96,923	48,00,000	56,96,923	49,48,129	150	- -	651	12,000
1820 - -	7,48,794	49,00,000	56,48,794	46,22,279	50	- -	187	- -
1821 - -	10,26,515	49,00,000	59,26,515	46,38,392	25	- -	646	12,000
1822 - -	12,88,123	46,00,000	58,88,123	45,91,678	150	- -	2,527	12,000
1823 - -	12,96,445	50,00,000	62,96,445	47,57,391	200	- -	736	12,000
1824 - -	15,39,054	50,00,000	65,39,054	51,34,460	200	- -	720	9,000
1825 - -	14,04,594	50,00,000	64,04,594	48,64,030	300	283	1,860	9,000
1826 - -	15,40,564	47,00,000	62,40,564	45,01,716	100	3,423	14,278	12,000
1827 - -	17,38,848	47,00,000	64,38,848	51,12,709	50	9,546	17,291	12,000
1828 - -	13,26,139	46,00,000	59,26,139	44,49,506	50	1,319	7,729	12,000

Behar and Orissa, from 1790 to 1828, both Years inclusive.

intended to be supplied in 1790.		Quinquennial and Annual Average Increase in the Supply.	Average Price per 100 Maunds Salt, sold at - - the Honourable Company's Sale.	Retail Sale of Salt at Reduced Prices			TOTAL SUPPLY of LICIT SALT of every Description to the Inhabitants of those Provinces, the Consumption of which was intended to be provided by the Monopoly.	YEAR
Quantity of Salt Imported on which Custom Duties were Paid.	TOTAL.			In Cuttack, when that Province was added to those intended to be supplied with Company's Salt in 1790.	At Chittagong, in consequence of the Abolition of a Local Manufacture.	TOTAL.		
9.	10.	11.	12.	13.	14.	15.	16.	
			£. s. d.					
- -	31,09,000	- - -	243 7 3	- - -	- - -	- -	31,09,000	- 1790
- -	30,15,735	- - -	216 4 10	- - -	- - -	- -	30,15,735	- 1791
- -	32,50,000	- - -	288 4 2	- - -	- - -	- -	32,52,000	- 1792
- -	35,66,231	- - -	302 7 4	- - -	- - -	- -	35,66,231	- 1793
- -	30,20,967	- - -	301 12 2	- - -	- - -	- -	30,20,967	- 1794
- -	37,77,957	Quinquennial 12,17,290	287 4 9	- - -	1,029	1,029	37,78,986	- 1795
- -	34,29,774		302 1 11	- - -	816	816	34,30,590	- 1796
- -	35,09,137	Annual 2,43,458	300 4 7	- - -	1,000	1,000	35,10,137	- 1797
- -	32,34,662		327 10 -	- - -	658	658	32,35,320	- 1798
- -	32,27,693	Quinquennial 6,30,006	314 4 3	- - -	- - -	- -	32,27,693	- 1799
- -	32,44,945		257 10 10	- - -	510	510	32,45,455	- 1800
- -	35,56,420	Annual 1,26,001	281 7 4	- - -	1,000	1,000	33,57,420	- 1801
- -	35,20,302		370 6 -	- - -	1,402	1,402	35,21,704	- 1802
- -	37,96,662	Quinquennial 35,03,868	420 6 10	- - -	1,028	1,028	37,97,690	- 1803
- -	38,90,900		354 4 3	- - -	1,200	1,200	38,92,100	- 1804
- -	42,07,181	Annual 7,00,773	323 5 3	- - -	1,200	1,200	42,08,381	- 1805
- -	41,55,178		321 11 10	1,42,442	1,200	1,43,642	42,98,820	- 1806
- -	44,86,514	Quinquennial 10,31,388	362 12 11	91,744	1,202	92,946	45,79,460	- 1807
- -	42,22,250		374 - 10	1,15,550	1,060	1,16,610	43,38,860	- 1808
- -	42,41,974	Annual 20,67,277	331 - 10	1,14,373	1,175	1,15,548	43,57,522	- 1809
- -	44,22,392		335 12 8	1,17,514	- - -	1,17,514	45,39,906	- 1810
- -	43,11,794	Quinquennial 8,46,717	349 2 4	87,987	1,000	88,987	43,90,781	- 1811
- -	45,50,976		331 5 9	1,35,212	1,225	1,36,437	46,87,413	- 1812
- -	43,63,720	Annual 1,69,343	326 1 11	1,37,470	1,773	1,39,243	45,02,963	- 1813
- -	43,12,751		306 11 10	1,49,539	1,210	1,50,749	44,63,500	- 1814
- -	43,83,196	Quinquennial 20,67,277	312 9 10	1,70,008	940	1,70,948	45,54,144	- 1815
- -	46,26,653		326 3 9	1,32,777	1,235	1,34,012	47,60,665	- 1816
- -	43,33,513	Annual 1,036	381 1 -	1,26,497	1,165	1,27,662	44,61,175	- 1817
- -	46,54,177		341 - 10	2,16,405	906	2,17,311	48,71,488	- 1818
24,652	49,84,582	Average p' An. 47,66,982	329 1 5	2,54,508	890	2,55,398	52,39,980	- 1819
13,740	46,35,256		333 11 2	2,51,986	977	2,52,963	48,88,219	- 1820
936	46,51,999	Annual 1,036	358 2 6	2,47,224	1,859	2,49,083	49,01,082	- 1821
11,889	46,18,244		418 15 4	2,76,026	1,066	2,77,092	48,95,336	- 1822
6,061	47,76,388	Annual 1,036	385 2 3	2,35,227	1,069	2,36,296	50,12,684	- 1823
3,518	51,47,898		352 13 11	2,96,031	1,890	2,97,921	54,45,819	- 1824
19,087	48,94,560	Average p' An. 47,66,982	391 11 1	3,64,119	10,380	3,74,499	52,69,059	- 1825
9,117	45,40,634		410 11 11	3,38,973	36,036	3,75,009	49,15,643	- 1826
- -	51,51,598	Average p' An. 47,66,982	415 3 1	2,84,664	87,974	3,72,638	55,24,236	- 1827
10,538	44,81,142		379 1 3	2,77,700	58,838	3,36,538	48,17,680	- 1828

IV.
Administration of
Monopolies.
Salt.

13. We do mean in this place to draw attention to the facts established by this Statement; we have introduced it mainly for correction of the view taken by your Honourable Court, as to the state of the supply for consumption, arguing from the number of maunds upon which the annual account of profit was made up.

14. It is time, however, to place before your Honourable Court the correspondence we have alluded to above, as having taken place with the Board of Customs, Salt and Opium, on the subject of the future management of this branch of revenue.

Sep. Cons.
26th Nov. 1828.
No. 4 to 6.

15. In submitting, for our orders, their report on the arrangements to be made for supplying Salt, and for conducting the sales of the year 1829, the Board renewed the discussion commenced in the report of the preceding year, to which we have above referred.

16. The questions agitated by the Board on this occasion, and submitted for our determination, were the following:—

First. The extent of supply required for the year's consumption of Bengal and Behar, and the quantity to be provided with reference to the wants of the population on one hand, and to the necessity, on the other, of maintaining the revenue:

Secondly. Whether both objects could best be accomplished under the plan of annual allotment for sale at prices regulated by open competition, Government fixing the quantity to be exposed to sale, or by Government fixing a price and opening the golahs to the public to take as much off at that price as the wants of the population might require:

Thirdly. Supposing the plan of fixed annual sales to be adhered to, how many should be made in the year, and at what periods:

Fourthly. An alteration was proposed in the form of the order to be delivered to a purchaser, on payment for his lot, whereby the order would become a negotiable security in law, which it was not before; and a condition was proposed to be added, that objections to the quality of the Salt should not be received after a year:

Fifthly. The Board submitted the necessity of limiting and restricting the supply of the coming year, which, through the productiveness of the past season, threatened to be excessive.

Sep. Cons.
21st Nov. 1828.
No. 7.

17. Our reply discussed each of these points separately. We admitted the truth of the Board's remark, that the sales were not so good a criterion of the quantity required by the regulation, as the aggregate quantity cleared from the golahs and carried into the Interior. Upon an average of twenty years, this last criterion showed a consumption of about $45\frac{1}{2}$ lacs of maunds per annum; while the quantity sold averaged nearly a lac in excess of the clearances. Building on this fact, joined to an estimate of the population, and of the consumption per head for the tract within which Salt of the Calcutta sales is consumed, the Board of Customs, Salt and Opium, assumed that after the large clearance made in 1827/28, consequent upon the payment of a premium on exportation, with other measures taken in the course of the year, having a tendency to force the clearances, a larger quantity than 45 lacs of maunds could not be required for purposes of human consumption, and that if more were offered in the year, a glut would be the consequence, attended with a fall of price most injurious to the revenue.

18. However unwilling to have recourse to measures directed to a diminution of the supply of this necessary of life for the purpose of upholding the revenue, we were compelled to admit that the reasoning and facts offered by the Board afforded grounds to apprehend that an extension of the supply beyond the quantity stated would be hazardous to the revenue. In the present state, therefore, of the public finances, dependent as the Government was on the productiveness of this branch of its resources, we conceived it would be imprudent to adopt any basis of calculation for the measures of the coming year that might not offer security in this respect.

19. We approved, therefore, the recommendation of the Board that 45 lacs should be assumed as the probable want of consumption in the year, conceiving ground to have been shown for concluding that if the plan of prompt clearance after

after public sale, and no cancelling of purchases were acted upon, it would not be safe to throw a larger quantity into the market.

20. Upon the assumption that 45 lacs was all that could be taken off, the question that next arose was, whether it would be more beneficial to allow this to find its way into the Interior by fixing a price, on payment of which any dealer should be entitled at any time to receive Salt in any quantity, or to sell the quantity so assumed to be sufficient, as heretofore. Doubtless, as observed by the Board, the season was favourable for trying the experiment of a fixed price, for the quantity in store was so large as to preclude the possibility of the whole being bought up for the purpose of establishing a sub-monopoly. Nevertheless we were of opinion that the departure from the established course, as it must operate to derange in some degree the existing methods of supplying the Interior, would not be free from risk, and there was reason to believe that under the knowledge of the necessity of clearing Salt actually purchased, there would be a stimulus for carrying the article into the Interior, which not being felt under the assurance of always being able to obtain it when wanted for a speculation, would operate to make the plan of fixed sales more favourable for the consumer than that of fixed prices; besides that the former was in many respects more favourable to the revenue. On the whole, therefore, although we should be very desirous of giving to the plan of a fixed price a fair trial if the circumstances of Government would allow of the experiment, we resolved that at the period we speak of, and we think the same of the present time, it would have been injudicious to make any deviation from the usual mode of conducting the business of the departments. The quantity of Salt therefore to be offered for sale we restricted to 45 lacs, and the Board were directed to advertise and bring it to sale as heretofore.

21. The Board recommended, with a view to give certainty to the speculations of purchasers, that only six sales should be made in the year, but we were not quite satisfied with the grounds of this recommendation. The difficulties experienced in the course of the year then passing were not so much ascribable to the number of sales as to their being equal, and not arranged so as to suit the most favourable periods of communication between the Interior and the golahs, where the Salt sold was in store. Under a more judicious allotment for sale, varying according to the average clearances of past years from the golahs of the different tracts of country, we were inclined to think the plan of monthly sales the most beneficial, as well to the public as to Government. The Board were therefore desired to alter the advertisement in this respect, and both to apportion the quantities and fix the places on the principle above explained.

22. The explanation of the Board as to the disadvantage of leaving the negotiability of the Salt orders in doubt, satisfied us of the propriety of the proposed change on that head. The advantage drawn in the prosecution of those concerned in the late frauds, from the form heretofore in use, not being assignable in terms, afforded no reason for continuing it; for, as observed by the Board, those committing frauds hereafter, being aware of the circumstance, would guard against the consequence.

23. With respect to the condition proposed to be inserted, that lots should not be rejected on the pretence of inferior quality, unless the objection were made within a year, there could be no reason for not publishing the condition, but unless each lot was separately stored in the golahs, which was of course out of the question, there would, we thought, be difficulty in its application. The better way of meeting this difficulty appeared to be, to add a proviso that the objection should not be listened to after a year, "provided that merchantable Salt of any kind were tendered." In the existing abundance of the article, no difficulty could be anticipated in fulfilling such a condition, while it would prevent the cancelling of a sale, and thus withholding the article from the consumers; the point, however, was left to be arranged according to the Board's discretion.

24. On the fifth and last point we found some difficulty in coming to a distinct conclusion. It appeared evident that if a manufacture at the agencies and in Cuttack, at all approaching that of the past season, could be reckoned upon for constancy, the supply from these sources only would equal if not exceed the

IV.
Administration of
Monopolies.
Salt.

demand for consumption, and the necessity of any importation from the coast, or from other quarters, would altogether cease. This trade, however, had nourished and given encouragement to a most useful class of speculators, natives of the country and others, who, bringing up Salt, carry back rice and other cheap produce of Bengal, to the manifest advantage of both provinces.

25. The measures proposed by the Board for restricting the manufacture as much as could conveniently be done at the most expensive aurungs of the several agencies, and for limiting the importation from Cuttack in the coming year, were entirely approved. Before, however, finally determining on the course to be adopted in respect to the imported Salt, we deemed it indispensable to consult the Madras Government, in order that it might be ascertained, by reference to the local officers and other well informed sources, what was the lowest limit that could be fixed for the importation of Coast Salt, without inflicting serious injury on the classes of traders engaged in the transport, who, having been encouraged by the practice of successive years to hope for a regular demand for their shipping through the supply of the article to this Presidency, were entitled to indulgent consideration. Upon this point, therefore, we stated that the final determination of Government would hereafter be communicated to the Board. We shall presently recur to the subject.

26. In conformity with these principles, we approved the advertisement for the sales of the year, with reservation to the two points referred to the Board for reconsideration.

Sep. Cons.
25 August 1829,
No. 6 to 8.

27. The Madras Government, to whom we immediately made a reference with a view to learn their sentiments as to the limit that might expediently be put on the importation of Salt from the coast, replied in a Letter from their Secretary, dated 9th June last, recorded as per margin, giving cover to a Report from the Board of Revenue at that Presidency on the subject. After strongly representing the injury all the classes engaged, either in the manufacture or transport of the article, must suffer by a suspension of the trade, the Governor in Council submitted that if a limitation of the import in Bengal were indispensable, the minimum quantity should not be fixed lower than $8\frac{1}{2}$ lacs of Bengal maunds. We forwarded this Letter and its enclosures to the Board of Customs, Salt and Opium, desiring to learn their sentiments on the proposition of the Madras Government.

Sep. Cons.
25 Aug. 1829,
No. 9 to 22.

28. In the Letters from the Board, dated 9th July and 15th of August last, will be found their further sentiments on the several questions adverted to above. In these Letters, the state and prospects of the Salt revenue were again fully entered into, and the points in regard to which the information before submitted was defective, were investigated and set before us, with a body of evidence to which we felt it to be very difficult to refuse credence.

29. The points argued in the first cited Letter were the following :—

First. That the tract of country supplied with Salt from the Calcutta sales having been the same uniformly from the date of the establishment of the monopoly to the present day, had been always supplied with Salt adequate to the wants of the population; and that the increased supply shown by the annual returns of golah clearances had been commensurate with any increase that could be assumed for that of the population in the period :

Second. That the price at which the Salt reaches the consumer under the present system is not burthensome to the lower orders, and does not operate to stint their consumption, which the Board argued is fully equal to their wants, and has always been so; moreover that the price of the present day, though higher than at the early periods of the monopoly, and yielding a proportionately higher revenue, has not increased in any thing like the same ratio as that of grain and labour; and the augmented price must not therefore be regarded as pressing on the people with severity, since they now obtain their Salt at a smaller proportionate sacrifice of income than when it was nominally lower. As connected with this branch of the subject, fresh facts will be perceived to be adduced, and corroborating statements furnished in proof that the consumption was before correctly estimated by the Board at 6 seers per annum for each individual of the population :

Third. That the efforts of the Government to increase the supply to the consumer by augmenting the sales, and endeavouring to force an early clearance

clearance of the quantity sold, had had the effect of anticipating the revenue, and absorbing capital without sensibly increasing consumption. The arrear of sold but uncleared Salt having gradually accumulated nearly in proportion to the increased quantity sold in excess of the assumed consumption demand :

IV.
Administration of
Monopolies.
Salt.

Fourthly. That the existence of this arrear afforded conclusive evidence that the consumption demand was every where supplied at present, and Salt provided for all purposes it could be applied to, while subject to the present rate of tax, because in the contrary case it must be supposed that the merchants found their profit in leaving the capital they had advanced for the purchase locked up without return, while a market was available to them :

Fifthly. It was argued, from the above principles, that the existing Salt revenue was not capable of increase, by any extension of the supply to the population now furnished from the Calcutta sales ; indeed, that to maintain the existing revenue, it would be necessary to watch the *clearances* in future, and adapt the sales to the condition of the arrear of purchased but uncleared Salt which might have accumulated, diminishing rather than increasing the quantity exposed to sale, until the present arrear should be considerably reduced :

Sixthly. The Board closed the Letter in question by a proposition which seemed to follow from the above reasoning ; viz. that if it were desired to increase the existing revenue derived from Salt, it must be done by extending the same rate of tax to other tracts of country beyond those now furnished through the Calcutta sales ; and it was pointed out that this might be done in respect to the Benares Province, either by pushing westward the Chokees established on the Behar frontier, and so excluding the western Salts altogether from Benares, or by levying at Allahabad a transit duty nearly commensurate with that realized through the sales in Bengal and Behar.

30. In the Board's Letter dated 15th August last, they applied the principles above set forth, and those maintained in their previous Letter of the 8th November 1828, to the existing condition of the manufacture and store of the article, and adverted particularly to the proportions of the year's supply of Salt to be obtained from the coast.

31. They argued, first, that the reports of illicit dealings in Salt were much exaggerated, the proof of which was, that an increasing quantity of Ruwana Salt had latterly been disposed of for consumption in the tract nearest to the site of manufacture, viz. between the Golahs and the outer or most distant Chokees, and that Salt could find no market at all in the tract in question if the article were supplied illicitly at the price of manufacture as asserted, consequently that an extension of the sales, in order to provide cheaper Salt to displace the contraband within the protected limits, was uncalled for, and would injure the revenue.

Secondly. Assuming 46 lacs of maunds, or thereabouts, to be the supply required for consumption in the tract supplied from the sales, and comparing this with the manufacture of late years, the Board found the Bengal agencies to have been brought to yield nearly 40 lacs of maunds of punga Salt, besides the produce of Cuttack, whence in the past year 8,87,000 maunds were imported at Sulkea, so that it was evident that punga or boiled Salt could be produced in sufficient quantity to furnish the entire sales if so deemed advisable. Moreover, from a statement furnished of the cost of production and profit at each agency, it was shown that, compared with Coast Salt, that of Bullooah and Chittagong only was less productive in a revenue point of view, and that the unfavourable result at these agencies was mainly owing to the introduction of a calamitous season into the period of average ; that for revenue purposes, therefore, the production of punga or agency Salt was more advantageous than importation, and that an increase of manufacture at Hidgellee, and the most productive agencies, would at any rate be preferable to a resort to the coast.

Thirdly. The Board, however, considered a certain quantity of solar evaporation or Coast Salt to be required for the wants of the population, and they assumed that the annual sales should include not less than six lacs of maunds of Salt of that description. The manufacture of punga

IV.
Administration of
Monopolies.
Salt.

Salt was therefore argued to be excessive if carried much beyond forty lacks for both the Bengal and Cuttack agencies.

Fourthly. It is hence concluded, that the manufacture of puna or boiled Salt must be discouraged and reduced throughout the agencies until brought to yield about 35 lacs of maunds in Bengal, and five in Cuttack, which, with six lacks of imported Coast Salt, is the limit of quantity required for annual sale.

Fifthly. There appeared to have resulted from past over-production and import, a total store of 32 lacs of maunds not included in the sales, exceeding by 22 lacs the store required to meet defects of season and other contingencies; consequently, independently of the measures required to be taken to make production keep pace with the probable requisitions for sale annually, some special measures seemed to be indispensable to get this excess of store taken off for consumption.

Sixthly. The Board conceived that this could only be done by reducing manufacture in the coming season to a point very considerably below that assumed for ordinary supply, and whereas 35 lacs was the quantity so assumed for the Bengal agencies, the taeedad, or contracts, must be reduced to 25 lacs of maunds for the ensuing two seasons, to enable the sales to take off in both the present excess of 22 lacs in store.

Seventhly. The existing store of Coast Salt not being estimated at more than two lacs of maunds, the Board recommended an import of six lacs to be authorized from Madras for the ensuing, and the same for subsequent years.

Eighthly. Authority was solicited for ordering a rateable diminution of the taeedads, or engagements, to be entered into with Molunthees in September of the year, to a scale making for the Bengal agencies, a total supply of only 25 lacs, and from Cuttack five lacs.

Ninthly. The Board promised a revision of the state of things in every auring at each agency, preparatory to an adjustment of reduction on a permanent footing hereafter, on the principle of discontinuing manufacture where the cost of production was highest, and maintaining it where the profit yielded was the largest, and they professed the intention to make it their study to provide hereafter, that the quantity of Salt available each year, through manufacture and import, should always suffice for the sales, and the quantity sold for consumption without producing an accumulation of Government store unsold on the one hand, or of uncleared lots on the other, both being considered evils pregnant with great inconvenience, and some loss.

32. The recapitulation of these heads will show your Honorable Court the wide fields of argument and illustration opened by the two Letters of the Board above referred to, we were not prepared to decide upon the expediency of adopting all the reasoning of the Board as the basis of future measures for the conduct of the Department. But on consideration of the statements and information furnished by the Board, and of the sentiments which they had expressed, we resolved to dispose of the specific propositions submitted by instructions to the following effect:—

First. With respect to the suggestion for subjecting the Province of Benares to a tax on Salt equal to that levied by the present system in Bengal and Behar, we referred the point to the Advocate General, in order to ascertain how far the Salt duty of the Western Provinces could be considered to come within the provisions of Section xxv. of the Act 53 of his late Majesty. The determination of Government as to the course to be adopted on this proposition was therefore necessarily suspended until receipt of Mr. Pearson's reply to this reference, to which we shall presently revert.

Secondly. With respect to the permanent reduction of the manufacture in Bengal and Cuttack to a total quantity of 40 lacs, (35 for the former and five for the latter,) we apprehended that so long as there should be reason to believe that the consumption demand at the existing prices would not much exceed 46 lacs, it would be necessary to keep this limit in view in the management of the concerns of the department; but no immediate resolution

of

of Government on the subject was required; indeed the Board promised a further communication in respect to the application of this principle, and the final determination of Government might, we conceived, well wait the result of the further investigation to be instituted.

Thirdly. The importation from the coast was fixed by the Board at about six lacs per annum permanently, commencing from the ensuing year; we approved this suggestion, and made the requisite communication to the effect to the Government of Fort St. George. We entirely concurred with the authorities of that Presidency in attaching importance to the encouragement of the coasting trade, supported by the demand for this kind of Salt existing in Bengal, and were sensible that the fixation of the quantity of Salt to be annually imported, must have the most beneficial effect to all parties concerned.

Fourthly. With respect to the reduction of the Bengal agency taeedads to a total of 25 lacs for the next two years, which was deemed necessary by the Board to enable the sales to take off, in the course of this period, 20 lacs of the existing store in excess of 10 lacs. We looked upon this proposition as a very strong measure, seeing that the manufacture of the Bengal agencies had heretofore stood at nearly 40 lacs. Nevertheless in the reported state of the *store* unexposed to sale, which appeared to stand as high as 32 lacs of maunds, we did not see any other course that could be pursued to relieve the golahs, and adapt the production to the wants of the country. The Board were accordingly authorized to instruct the Salt agents to diminish their taeedads in the proportion suggested. Should difficulty, however, be experienced in carrying the measure through, or should a less injurious mode of effecting the object proposed occur while the reduction might be in progress, we desired the Board to submit another reference on the subject. It would be right, we stated, to put the several agents in full possession of the above views, and to let them see the nature of the difficulties experienced or apprehended from the existence of the present excess of store, in order that their zealous co-operation might be secured in effecting the reduction, and that the Board might have the advantage of any suggestions which their acquaintance with the details of the department might enable them to offer.

33. The above were the only points specially submitted for our orders. Although we avoided entering on the general views and principles advocated by the Board, we nevertheless stated our concurrence in opinion with the Board, that the determination of the quantity of Salt to be sold in the course of the ensuing year should not be hastened; and we approved the principle by which the Board declared their intention to regulate the quantity to be advertized for sale, viz. by reference to the state of the clearances from the golahs of lots sold and paid for. It was, we thought, for obvious reasons, advisable that the information on this point, which was to guide the Board's recommendation, should extend to as late a date as could conveniently be contrived (for an anticipation of the determination as to the extent of next year's sales would encourage speculations upon increased price,) from withholding the article to the injury of the interests as well of Government as of the consumers.

34. We further informed the Board that an early opportunity would be taken to submit to your Honourable Court the correspondence which had recently occurred in respect to the condition and prospects of the Salt revenue; for the importance of the item to the finance of the country required obviously that every means should be taken to clear the principles on which it was conducted from the possibility of misconstruction.

35. Some subsequent correspondence bearing on the general questions discussed, and considered on this occasion, is referred to in the margin; and we enclose copies of such of the papers as have not been entered on the proceedings already forwarded to your Honourable Court.

Separate Cons.	23 Jan. 1829,	No. 1 to 3.
	20 Feb. -	No. 11.
	9 April -	No. 6 to 10.
	9 June -	No 10 & 11.
	7 July -	No. 5 & 6.
	15 Dec. -	

36. On our proceedings noted in the margin, your Honourable Court will find the reply of the Advocate-General to the reference we made to him, as to construction to be put on Sec. 25, Cap. 155 of the Act 53d Geo. III., in its application to the duties levied by this Government on the Western Salts. Our object was

IV.
Administration of
Monopolies.
Salt.

IV.
Administration of
Monopolies.
Salt.

Separate Cons.
8 Sept. 1829,
No. 20.

was to learn whether it would be necessary that any enactment we might desire to pass for altering the rates of these duties, should be submitted for the sanction of your Honourable Court, and the approbation of the Board of Commissioners for the Affairs of India, before it could be made into a law.

Separate Cons.
13 Nov. 1828,
No. 20 & 21.
14 April 1829,
No. 2 & 3.
28 July -
No. 6.
8 Sept. -
No. 20 & 21.

37. The reply of Mr. Pearson refers to a previous opinion on the same point, recorded as per margin, and was clear upon the point. Construing the 25th Section of the Act, cited in connection with the preceding matter, and particularly as containing the subject of the 24th section, he looked upon the provision as intended to protect the external trade of India from any interference, by the levy of duties on the part of the local Government, at the parts and places to which traders from Europe might resort, and therefore as not applicable to the town duties levied in the interior, or to duties in the nature of the consumption duty on Salt, in the Western Provinces. Mr. Pearson added, that the places which were included in the Regulations to which we had referred him, were in the interior of the Mofussil; and he thought therefore the Government was empowered to modify the rules, and alter the rates of duty upon the several descriptions of Salt which those Regulations mentioned; and that the forms laid down in Sec. 25 of the Act were not meant to apply to the case. Mr. Pearson, however, stated the point not to be altogether free from doubt and difficulty, inasmuch as the expressions of the Act were very general. The correspondence connected with this subject will be found recorded as per margin.

38. In consequence of this opinion from our law advisers, we ordered the Board of Customs to consider again, as open questions,

First, The measures recommended by the Collector of Customs at Agra, in the year 1827, for equalizing the rates of duty on the Western Salt, which measures this Government, at the time, thought beyond its powers with reference to the Act cited above; and,

Secondly, The propositions of the Board above referred to for levying an enhanced duty on the Western Salt consumed on the Benares Province. We desired the Board to prepare and submit the draft of a Regulation, providing for both objects; considering that in the present condition of the public finances, the prospects of obtaining a considerable increase of revenue, through the adoption of one or both of the above propositions, was well deserving of attention.

Separate Cons.
13 Nov. 1829,
No. 1. to 4.

39. On our proceedings of the 13th ultimo is recorded the Board's reply, submitting a draft of enactment providing for both objects. Along with it the Board forwarded a note obtained from Mr. H. Mackenzie, of the result of his inquiries on the subject of the Western Salts, made while in attendance on the Earl Amherst, in the year 1826/27. Copies of all these papers are appended as separate numbers in the packet.

40. We ordered our Secretary to revise the draft, and prepare it for publication. His note on the subject is added.

41. We resolved to adopt the Regulation as altered by our Secretary; and it was accordingly transferred to the Judicial Department, to be passed in due form. It stands N° XVI. of the Code of this year; and we anticipate that it will essentially lead to a considerable increase of revenue. With reference, however, to the doubts that may arise as to the legal competency of this Government to pass an enactment of this description, we have deemed it necessary to lose no time in bringing the subject fully before your Honourable Court, in order that the opinion of the law officers of your Honourable Court, and of His Majesty's Government in England, may be taken thereon. Moreover, to meet the possible, though we hope improbable case of our Advocate-General's construction of the Act not being confirmed, we annex a separate copy of the Regulations, drawn out in a form to receive your sanction, and the approbation of the Board of Commissioners for the Affairs of India, in the event of its being deemed necessary to re-enact the law in that form, and of your approving the measure.

We have the honour to be, &c. &c.

(signed)

W. C. Bentinck.
Combermere.
W. B. Bayley.
C. T. Metcalfe.

Fort William, }
8th December 1829.

— No. 27. —

IV.
Administration of
Monopolies.

Salt.

EXTRACT LETTER, in the Separate Department, from the Governor General in Council in *Bengal* to the Court of Directors; dated 1st October 1830.

137. ON the proceedings of the annexed date is recorded a Letter from the Board of Customs, Salt and Opium, recommending to our consideration a reduced scale of 42,00,000 maunds of Salt for the ensuing year, and submitting the grounds on which the Board adopted the opinion, that while the reduced scale would tend to clear from the Company's golahs a quantity of sold Salt, but remaining on hand, and which it was desirable to throw into the market, no interference with the public comfort could be reasonably apprehended, inasmuch as including the quantity proposed to be sold, 53,00,000 of maunds would be available for the year's consumption, whereas the total clearance of any past year, even under the operation of a premium granted to encourage the removal of Salt from the Government store houses, had never approached that quantity.

138. Without entering into any discussion on the general principles which should regulate the administration of the Salt monopoly, and which question indeed it would be useless to agitate further now, we conceived that the views of the Board were, with reference to the present state of the Salt Department, and to other circumstances connected with finance and the money market of the Presidency, prudent and judicious. The Board was therefore authorized to limit the quantity of Salt to be sold at the public sales of the year under report, to 42 lacs of maunds, nor did we conceive it desirable to embarrass the transactions of the market by directing the adoption of either of the suggestions conveyed, though not recommended, in the 15th paragraph of the Board's address under notice, in the event of our deeming this supply likely to prove inadequate.

EXTRACT, Bengal Salt and Opium Consultations, 16th February 1830.

LETTER from the Board of Customs, Salt and Opium, to the Right Honourable Lord William Cavendish Bentinck, G.C.B. Governor General in Council.

MY LORD,

21 January 1830.

THE period has arrived in which it is necessary to determine the quantity of Salt to be brought to sale in the ensuing year.

2. The accompanying statements furnished to us by the Accountant, exhibit the monthly clearance of the year now drawing to a close, and the state of the golahs on the 31st ultimo, compared with that of the same date of the preceding year.

3. Your Lordship in Council will perceive that the quantity of Salt taken from the golahs and carried into the interior, between the 1st January and the end of December last, has been rather more than 45 lacs of maunds, while in the same months of the preceding year, the clearances exceeded 46 lacs. The uncleared lots again, which at the end of 1828 amounted to maunds 13,62,124, were on the 31st ultimo, maunds 13,98,724. The limitation in the present year of the sale quantity of 45 lacs of maunds, which in 1828 was 46 lacs, has prevented any very considerable extension of the balance of Salt in the Government golahs; one lac of maunds, however, has been less cleared in the year, while for the last eight months, or from the beginning of the official year, a still greater abatement is apparent; the clearances having been only maunds 32,72,223, when in 1828 they amounted to maunds 34,20,391.

4. There can be no doubt that this growing slackness in the merchants to remove their Salt has been owing to the excessive supplies of the article that have been sent into the Interior of late years, and particularly to the large clearance effected in 1827,* when a premium was granted, and other measures taken, having a tendency to force the exportation.

* Vide Statement annexed to Para. 6 of Board's Address to Government, dated 8th November 1828. The years are there calculated from the 1st February to the 31st January, what is therefore denominated 1827-28 may be more properly called 1827, as it only includes one month of the following year.

5. Our inquiries from the Salt merchants and others, ascribe the fact to the same cause, and the Reports which we recently submitted from the Commissioners of Revenue for the 14th and 20th Divisions bear out the general declaration that the markets of the Interior are still and have for some past been overstocked.

320. D.

N 3

6. This

6. This state of things precludes us from recommending a large sale in the coming year. There are, however, some other circumstances to be considered.

Vide Statement in the Board's Letter of the 9th July last, which shows that of late years the quantity of Salt in the golahs has more than doubled what it used to be.

7. It seems to us of great importance to get rid of a portion of the still very heavy balances of uncleared Salt in our golahs.

8. This balance, as before stated, was on the 31st ultimo, nearly 14 lacs of maunds. We have reason to expect that the clearances of the present month and of February will keep pace with the quantity of Salt sold and to be sold in that time. Our next year's operations, therefore, have to be considered with reference to the fourteen lacs of maunds that are uncleared, and which, it is to be observed, are now in the market, available for the consumption of the population, with reservation only of such proportion as may be requisite to carry on the concern. We find from the statement above referred to in the margin, that this need not be assumed at more than three lacs of maunds; so that the difference of 11 lacs have to be added to the quantity that may be exposed to sale.

9. Such being the case, we are disposed to recommend that no more than 42 lacs of maunds be sold in the ensuing year, which would still give a total available supply of 53 lacs of maunds to the community.

Actual Clearance of Salt for the last
Ten Years.

	Maunds.
In 1820 --	46,22,279
1821 --	46,38,392
1822 --	46,03,881
From 1st Feb. to 31st Jan. { 1823 --	46,50,605
1824 --	51,25,292
1825 --	44,83,749
1826 --	46,50,597
1827 --	49,42,912
From 1st Jan. to 31st Dec. { 1828 --	46,18,178
1829 --	45,52,442
	<u>4,68,88,327</u>
Average of 10 Years - M ^{ds}	46,88,832

Vide Statement above referred to.

10. This supply we hope to have proved is more than fully equal to the year's consumption, while it exceeds the total clearance of any year, even when a premium was granted to encourage exportation. The limitation of quantity, moreover, instead of producing any diminution of revenue will, we are persuaded, tend to a present increase; while the measure seems to us necessary, in order to bring back the operations of the Department to that wholesome condition, from which, in the desire to increase the supply to the consumer by extended public sales, we cannot but think there has been some deviation.

11. A sale confined only to 42 lacs of maunds would further restore confidence to the Salt merchants which, in the present state of the money market, and under the impossibility of their continuing the present scale of advance to the Government, is of the first importance; so much so indeed, that but for some relief of this sort, we should apprehend, from this cause alone, a very great reduction in our selling prices. The quantity of Salt that has been annually put up for sale of late, in spite of the accumulation of uncleared lots, has been one main cause of their embarrassments; and the influence of other events has also affected their interests. All the usual facilities under which lots have been heretofore cleared, viz. the accommodation of the public and private banks, and of the Native Shroffs, are now, we believe, granted at the most unfavourable rates, if not wholly withheld; and your Lordship in Council will be sensible of the vast disadvantage, in this respect, at which speculators would bid more, particularly with reference to the strict enforcement of the conditions of our sales, which has been more than once enjoined by the Government.

	Estimated Selling Price, per 100 Mds.	Amount Estimated Proceeds.	Deduct Estimated Costs and Charges.	Estimated Net Profit.
	Sa. Rs.	Sa. Rs.	Sa Rs.	Sa. Rs.
46,00,000	340	1,56,40,000	53,82,000	1,02,58,000
45,00,000	350	1,57,50,000	52,65,000	1,04,85,000
44,00,000	360	1,58,40,000	51,48,000	1,06,92,000
43,00,000	380	1,63,40,000	50,31,000	1,13,09,000
42,00,000	390	1,63,80,000	49,14,000	1,14,66,000
41,00,000	400	1,64,00,000	47,97,000	1,16,03,000
40,00,000	410	1,64,00,000	46,80,000	1,17,20,000

12. The annexed statement exhibits the gross and net sums which may be expected to be realized according to the quantity of Salt that Government may resolve upon bringing to sale. It will be seen that the estimated net profit, from assuming the quantity we recommend of 42 lacs of maunds, as compared with a sale similar to that of the present year, is ten lacs of rupees in excess, which probably will be a consideration with the Government.

13. One great motive, however, for recommending so small a sale is, as before stated, to reduce the balance of uncleared lots.* Government have stated that they would be willing, did their finances allow, to give the experiment

* Letter from Mr. Secretary Prinsep, 21st November 1828.

periment of disposing of our Salt at fixed prices a fair trial, but to free ourselves from the greater part of the Salt that has been already sold, and is in our golahs, is obviously an essential preliminary to any change of system. The balance at the end of two years will, under such an arrangement as we propose, be reduced to what is proper, when the effect would be, that our golahs will be filled with Salt the property of Government instead of that of individuals, and it would then at any time be free to Government, if they see fit to open the golahs at a fixed price, without injuring the interests of any persons, and with the assurance that from the time of their being opened, issues of the Salt and in-comings of the Government revenue would commence immediately.

14. Government will be able to determine, by the result of the present year, how far it may or may not be expedient to continue it for another; but under any circumstances we shall be better able than we are now to hold, if it is deemed right, a large sale, without the fear of its occasioning distress to the money market, or to the dealers in this particular article.

15. The only objection to so small a sale as that of 42 lacs of maunds is a possibility that the purchasers or merchants might thereby get a command of the market, and for the sake of extravagantly high prices still hold their Salt back from the interior. This might be obviated by a clause in the advertisement, providing for the sale of an extra quantity of Salt, to any extent that may be thought right, in the event of the clearances not being found at specific periods of the year to have equalled such as are usual, or the interests of the consumers might be secured by limiting the selling price at our sales to that estimated, and by bringing forward an additional quantity of Salt if the average sale price exceeds that amount, but such a condition would perhaps render things uncertain, and be so far injurious, while we should hardly on any other account think it necessary.

16. We think it right to add on this occasion, that we have succeeded in reducing the tydaad of the Bengal agencies to twenty-five lacs of maunds in the coming year, and that of Cuttack to five lacs of maunds. The statement in the margin will show that a sale of 42 lacs of maunds will still leave our golahs burthened with a large quantity of superfluous Salt, but it will be so far satisfactory, that we shall be able to bring down the Government store to the wants of the market with less violence and distress to the manufacturing classes than might have been anticipated.

17. The supplies that will be required in the year from the coast have been already fixed by your Lordship in Council at six lacs of maunds.*

18. We conclude that it will not be necessary to make any alteration in the periods or number of our sales, or in their conditions, unless, indeed, your Lordship in Council should think the precaution necessary that is adverted to in the 15th paragraph. The accompanying advertisement has been drawn up in the same form as that of the current year.

19. We have thus endeavoured to place the subject in what we think the proper light before the Government. It strikes us that the measure we have recommended cannot fail of being highly advantageous, as well to the Government as to the Salt merchants, while the rate at which the article will be given out to the community is within the Government limit,† and cannot be regarded as burdensome; but we shall be most happy to give effect to any other view which your Lordship in Council may take of the matter.

IV.
Administration of
Monopolies.
Salt.

Quantity of SALT to be Manufactured in 1236.

	Maunds
Hidgellee - - - -	8,29,000
Tumlook - - - -	5,71,000
24 Pergunnahs - - - -	3,84,000
Jessore - - - -	2,98,000
Bullooah - - - -	2,78,000
Chittagong Pungah - - - -	1,40,000
Ditto Kurkutch - - - -	20,000
Maunds - -	25,20,000

PUNGAH SALT.

BENGAL AGENCY:	
Balance of Salt expected to be on hand after February Sale	22,14,066
CUTTACK, &c.	
Balance ditto ditto - -	5,79,181
Ditto Forfeited Salt - -	27,93,247
	1,70,000
Ditto Madras, Permit and other Foreign Salt - - - -	29,63,247
	3,35,977
Total Balance - -	32,99,224
BENGAL TAIDAAD:	
Of 1236 - - - -	25,20,000
Cuttack, &c. - - - -	5,00,000
	30,20,000
Madras Permit to be imported in 1830 - - - -	6,00,000
Maunds - -	69,19,224

We have the honour to be &c.

Board of Customs, Salt and Opium, }
21 January 1830. }

(signed) G. Chester.
H. Sargent.

* Letter from Government, 25th August last.
† At the estimated selling price of 390 per 100 maunds.

IV.
Administration of
Monopolies.
Salt.

No. 238.—LETTER from *J. A. Dorin*, Esq. Accountant, to the Board of Customs, Salt and Opium.

GENTLEMEN,

16th January 1830.

AGREEABLY to the orders set forth in Mr. Secretary Parker's Letter, under date 10th June 1829, I have now the pleasure to wait on the Board with the Statement of the golah clearances for December last.

I have the honour to be, &c.

Fort William, Accountant's Office, }
16th January 1830.

(signed)

J. A. Dorin,
Accountant.

No. 3. STATEMENT, exhibiting the Clearance, &c. of SALT from the GOLAHs of the several Agencies for the Month of December 1829, compared with the Clearances for the Month of December 1828.

	1.	2.	3.	4.
	Quantity of sold Salt cleared in the Month of December 1829.	Quantity of sold Salt cleared in the Month of December 1828.	Total Quantity of Salt sold, cleared from the beginning of the Official Year till 31st December 1829.	Total Quantity of sold Salt, cleared from the beginning of the Official Year till 31st December 1828.
Hidgellee - -	1,18,715 - -	99,850 - -	6,42,484 30 -	5,68,944 30 -
Tumlook - -	97,500 - -	53,460 17 -	5,21,341 11 10	5,80,625 27 -
24 Pergunnahs -	77,400 - -	41,026 1 -	5,46,877 - -	3,54,333 34 -
Jessore - -	47,639 - -	35,415 - -	3,04,148 - -	2,51,080 - -
Bullooah - -	53,000 - -	37,000 - -	2,03,162 - -	2,30,500 - -
Chittagong - -	21,000 - -	12,000 - -	1,15,000 - -	1,02,000 - -
	4,15,254 - -	2,78,715 18 -	23,33,013 1 10	20,87,484 11 -
Sulkea Golahs -	95,750 - -	1,11,257 - -	9,39,210 29 -	13,32,907 - -
TOTAL - -	5,11,004 - -	3,90,008 18 -	32,72,223 30 10	34,20,391 11 -

(continued.)

	5.	6.	7.	8.
	Quantity of Salt sold, but remaining uncleared, up to 31st December 1829.	Quantity of Salt sold, but remaining uncleared, up to 31st December 1828.	Quantity of Salt remaining unsold up to 31st December 1829.	Quantity of Salt remaining unsold up to 31st December 1828.
Hidgellee - -	3,80,941 10 -	3,85,518 10 -	10,50,027 24 12	6,40,254 35 12
Tumlook - -	3,14,466 - -	2,39,766 - -	6,57,301 14 2	5,64,200 22 2
24 Pergunnahs -	1,40,155 - -	1,63,962 - -	2,34,123 20 -	3,25,955 23 -
Jessore - -	1,29,788 - -	90,853 - -	3,07,060 24 -	2,70,398 14 -
Bullooah - -	1,33,361 - -	1,24,012 - -	2,98,248 2 11	1,69,428 3 15
Chittagong - -	66,013 - -	56,013 - -	2,23,185 4 11	1,10,216 17 11
	11,64,724 10 -	10,60,124 10 -	27,69,946 10 4	20,80,453 36 8
Sulkea Golahs -	2,34,000 - -	3,02,000 - -	11,61,069 11 -	10,36,763 - -
TOTAL - -	13,98,724 10 -	13,62,124 10 -	39,31,015 21 4	31,17,216 36 8

Fort William, }
Accountant's Office, }
16th January 1830.

(Errors excepted.)

(signed)

J. A. Dorin,
Accountant.

No. 239.—LETTER from *J. A. Dorin*, Esq. Accountant, to *H. M. Parker*, Esq.
Secretary to the Board of Customs, Salt and Opium.

IV.
Administration of
Monopolies.
Salt.

SIR,
I HAVE to request that you will be good enough to lay before the Board the accompanying "Statement, exhibiting the quantity of Salt sold by public auction, and cleared from the different Golahs" in the years 1828 and 1829.

I have the honour to be, &c.

Fort William, Accountant's Office, } (signed) *J. A. Dorin*,
18th January 1830. } Accountant.

STATEMENT of the Quantity of SALT Cleared from the Agency and Sulkea Golahs, from 1st January to 31st December 1828, and from 1st January to 31st December 1829, with a Memorandum of the Total Quantity of Salt sold, but remaining uncleared, up to 31st December 1828 and 1829.

No 5.

	Quantity of Salt sold by Public Auction in 1828.	Quantity of Salt sold by Public Auction in 1829.	Monthly Clearance of Salt in 1828.	Monthly Clearance of Salt in 1829.
	<i>Maunds.</i>	<i>Maunds.</i>	<i>Maunds.</i>	<i>Maunds.</i>
January - - - -	4,00,000	4,00,000	3,69,134	4,42,237
February - - - -	4,00,000	4,00,000	3,44,183	3,19,518
March - - - -	4,00,000	3,00,000	2,60,062	2,69,090
April - - - -	4,00,000	3,00,000	2,25,650	2,21,185
May - - - -	4,00,000	3,00,000	2,07,003	2,79,557
June - - - -	- - -	4,00,000	4,06,953	3,31,186
July - - - -	4,00,000	4,00,000	5,84,665	4,49,402
August - - - -	5,00,000	4,00,000	5,84,398	4,85,311
September - - - -	5,00,000	4,00,000	4,98,797	5,50,846
October - - - -	4,00,000	4,00,000	3,73,585	2,44,164
November - - - -	4,00,000	4,00,000	3,73,740	4,18,942
December - - - -	4,00,000	4,00,000	3,90,008	5,11,004
	46,00,000	45,00,000	46,18,178	45,22,442

MEMORANDUM.

QUANTITY of SALT sold, but remaining uncleared up to 31st December 1828 - 13,62,124
Ditto - - - ditto - - - up to 31st December 1829 - 13,98,724

Fort William, } (Errors excepted.)
Accountant's Office, } (signed) *J. A. Dorin*,
18th January 1830. } Accountant.

LETTER from *H. M. Parker*, Esq. Acting Secretary to the Government, to the Board of Customs, Salt and Opium.

GENTLEMEN,
I AM directed by the Governor General in Council to acknowledge the receipt of your Letter dated 21st ultimo, recommending to the consideration of Government a reduced sale of maunds 42,00,000 of Salt for the ensuing year, and submitting the grounds on which you have adopted the opinion, that while the reduced sale will tend to clear from the Honourable Company's golahs a quantity of sold Salt with which they are encumbered, and which it is desirable to throw
320. D. O into

No. 7.

IV.
Administration of
Monopolies.

Salt.

into the market, no interference with the public comfort can be reasonably apprehended, inasmuch as that including the quantity proposed to be sold, 53,00,000 of maunds will be available for consumption ; whereas the total clearance of any past years, even under the operation of a premium granted to encourage the removal of Salt from the Government store-houses has never approached that quantity.

2. Without entering into any discussion on the general principles which should regulate the administration of the Salt monopoly, and which question, indeed, it would be useless to agitate further now, Government conceive that the views of your Board are, with reference to the present state of the Salt department, and to other circumstances connected with financial considerations, prudent and judicious ; you are therefore authorized to limit the quantity of Salt to be sold at the public sales of the ensuing year to 42 lacs of maunds ; nor does the Governor General in Council conceive it desirable to embarrass the transactions of the market by directing the adoption of either of the suggestions conveyed, though not recommended, in the 15th paragraph of your address.

I have, &c.

(signed) *H. M. Parker,*
Acting Secretary to Government.

Council Chamber, 16 February 1830.

I N D E X.

HEADS OF ANALYSIS IN THE INDEX.

OPIUM: Page of the Index, 105.

I.—*CULTURE and MANUFACTURE*:

1.— <i>Generally</i>	-	-	-	-	-	-	-	-	-	Index, p.	105
2.— <i>In particular Places</i>	-	-	-	-	-	-	-	-	-	—	106
3.— <i>Illicit</i>	-	-	-	-	-	-	-	-	-	—	106
4.— <i>Restraining Regulations</i>	-	-	-	-	-	-	-	-	-	—	106

II.—*TRADE*:

1.— <i>Exclusive Rights of the Company</i>	-	-	-	-	-	-	-	-	-	—	106
2.— <i>General Trade</i>	-	-	-	-	-	-	-	-	-	—	107
i. <i>In Company's Territories</i>	-	-	-	-	-	-	-	-	-	—	107
ii. <i>By Treaty with other States</i>	-	-	-	-	-	-	-	-	-	—	107
iii. <i>Of particular Places</i>	-	-	-	-	-	-	-	-	-	—	107
iv. <i>Importation</i>	-	-	-	-	-	-	-	-	-	—	107
v. <i>Exportation</i>	-	-	-	-	-	-	-	-	-	—	108
vi. <i>Agencies</i>	-	-	-	-	-	-	-	-	-	—	108
vii. <i>Illicit Trade</i>	-	-	-	-	-	-	-	-	-	—	108

III.—*REVENUE*:

1.— <i>Duties</i>	-	-	-	-	-	-	-	-	-	—	108
2.— <i>Regulations</i>	-	-	-	-	-	-	-	-	-	—	109

IV.—*CONSUMPTION and SALE*:

1.— <i>Restraining Regulations</i>	-	-	-	-	-	-	-	-	-	—	109
2.— <i>Internal</i>	-	-	-	-	-	-	-	-	-	—	109
3.— <i>External</i>	-	-	-	-	-	-	-	-	-	—	109

V.—*QUALITIES and PRICES* - | - | - | - | - | - | - | - | - | — | 110 |

VI.—*GENERAL REGULATIONS* - | - | - | - | - | - | - | - | - | — | 110 |

SALT: Page of the Index, 111.

1.— <i>Generally</i>	-	-	-	-	-	-	-	-	-	—	111
2.— <i>Agencies</i>	-	-	-	-	-	-	-	-	-	—	111
3.— <i>Clearances</i>	-	-	-	-	-	-	-	-	-	—	112
4.— <i>Duty</i>	-	-	-	-	-	-	-	-	-	—	112
5.— <i>Export</i>	-	-	-	-	-	-	-	-	-	—	112
6.— <i>Manufacture</i>	-	-	-	-	-	-	-	-	-	—	112
7.— <i>Profit</i>	-	-	-	-	-	-	-	-	-	—	112
8.— <i>Quality</i>	-	-	-	-	-	-	-	-	-	—	112
9.— <i>Regulations</i>	-	-	-	-	-	-	-	-	-	—	112
10.— <i>Revenue</i>	-	-	-	-	-	-	-	-	-	—	113
11.— <i>Sales</i>	-	-	-	-	-	-	-	-	-	—	113
12.— <i>Supply</i>	-	-	-	-	-	-	-	-	-	—	113
13.— <i>Illicit Trade</i>	-	-	-	-	-	-	-	-	-	—	114

Incidental subjects will be found under the Alphabetical Arrangement of the INDEX.

INDEX.

Where *p.* is prefixed to the Figures, reference is to the Paging generally ; where *p.* and *par.*, to the Page and Number of the Paragraph therein.

A.

AGENCIES. See *Opium*, II. 2. vi. *Salt*, 2.

Alexander & Co. Offer of their firm to contract for the delivery of salt, purified according to Mr. Trotter's proposal, p. 75, par. 29.

Alluhabad ; Appointment of a Collector of Opium at, p. 20, par. 4.

Alves, Captain ; Treaties concluded by him with Native Princes, p. 38.

Attorney-General. Reference to his opinion, as to the power of the Company to tax the Province of Benares, under the 25th section of 53 Geo. 3 ; p. 90, par. 32—Answer of Attorney-General, and communications with the Board on the subject, p. 92, par. 37.

Auction. Quantity of salt sold by public auction, in each year, 1790—1828, p. 84.

B.

Bayley, Mr. ; His opinion that the right of search and stoppage, exercised by the Agent in Odeypore, was justifiable, p. 32.

Behar. Its trade in opium to be regulated, p. 6, par. 10, 11—Proposed regulations, p. 7—Agencies there, p. 5, par. 4—Management of the produce of, p. 10, par. 82—Must be packed in a particular way, p. 10, par. 84—Selling price of Behar and Benares opium, on averages of various dates, p. 14, par. 57—Average annual supply of, to the Calcutta sales, p. 15, par. 61—Distinction in form of the cakes of Malwa, Behar, and Benares opium, p. 18, par. 73—Comparative prices of Behar, Malwa, and Benares opium, p. 19, par. 42—Advantages of employing Captain Jeremie, p. 22, par. 8—Quantity of Behar opium available for the sales of 1828, p. 60.

BENARES :

1. *Opium.*
2. *Salt.*

1. Opium of superior quality must be packed in a particular way, p. 10, par. 84—Selling prices of Behar and Benares opium, on averages for various dates, p. 14, par. 57—Average annual supply of, to the Calcutta sales, p. 15, par. 61—Distinction in shape of cakes of Malwa, Behar, and Benares opium, p. 18, par. 73—Quantity of Benares opium available for the sales 1828, p. 60.

2. Reference to the Attorney-General as to the legality of extending tax on salt, p. 90, par. 32.

Bencoolen Factory, not subordinate to Bengal, p. 4, par. 18, 19.

BENGAL :

1. *Opium.*
2. *Salt.*

1. Necessity of relieving the Supreme Government at, from the mass of business and reference with which it is at present overwhelmed, p. 59, par. 14.

Opium of inferior quality must be packed in a particular way, p. 10, par. 84—Comparative value of Bengal and Turkey opium, p. 14, par. 54—Danger to which Bengal opium was exposed unless a check could be supplied to the exportation of Malwa opium, p. 23, par. 11—Relative value of Bengal and Turkey opium, p. 27—Without a restrictive system, the supply of opium would render the Bengal monopoly of little value, p. 29.

Bengal—continued.

2. Complicated and extensive machinery necessary for the manufacture of salt at, p. 74, par. 38—Population of, do not obtain the full quantity of salt necessary for their consumption, p. 74, par. 23—Might be supplied with Coromandel salt, which would easily be adapted to that market, p. 75, par. 26—Quantity of salt manufactured in, to be reduced, p. 95, par. 16—Balance of salt expected to be on hand after February sale 1830, p. 95, par. 17.

*BOARD OF TRADE :*1. *Opium.*2. *Salt.*

1. Result of their inquiries as to the supply and price of opium in Eastern markets, and the trade of the East India Company, p. 13, par. 51—Advantage of their proposed regulations as to Malwa opium, p. 15, par. 60.

2. Probable permanent standard of annual demand, as assumed by Board of Trade in their Report 1817, p. 67, par. 26—Opinion of the Board of Trade as to the quantity of coast-salt which may annually be imported, p. 69, par. 36.

Bombay. Regulations for supply of Bombay market, by granting passes, p. 49, 50, 51—Final determination of the Government as to the future supply, p. 51, par. 50—Answers of the Government of Fort William to Sir J. Malcolm's despatches, relative to the management of the Malwa opium trade, as far as Bombay was concerned, p. 56, 57.
See *Passes*.

Bondel. Affray with smugglers at, p. 32—Unwillingness to enter into treaties with the East India Company, p. 35.

Borthwick, Captain. Dissatisfaction occasioned in Malwa by restrictive regulations of the Company, p. 37.

Bounties; Should be regulated by quantity and quality of salt delivered, and not with reference to its proportion of the tydaad, p. 71, par. 53.

Bullooah. Quantity of salt consumed, as supplied with Company's salt, since 1790, p. 84.

C.

Cape de Verd Islands. Salt procured there at a low price, p. 2, par. 10.

Caulfield, Major. His opinion of restraining regulations in Malwa, p. 34.

Chinese; Have evinced a growing fondness for Malwa opium, p. 25, par. 19—Total amount of foreign opium supplied to the Chinese market in 1817-18, p. 27.

Clearances. See *Salt*, 3.

Clerk. His opinion of the restrictive regulations in Jyepore, p. 33.

Coast Salt. Want of information of means adopted for the improvement of, p. 73, par. 27—Necessity of attention of the Indian Government to the supply to be derived from, p. 74, par. 38—Could be procured in sufficient quantities without purification for Bengal market, p. 75, par. 31—Quantity of coast salt necessary for consumption, p. 89, par. 31.

See also *Salt*, 5.

Cobbe, Captain. His opinion generally on the regulations of the East India Company for the opium trade, p. 36.

Colebrooke, Sir E. Substance of answers to queries submitted to him by the Government, p. 33.

Confiscated Salt. See *Salt. Imports. Sulkea.*

Consumption and Sale of Opium. See *Opium*, IV.

Coromandel. Importations of salt from, allowed on account of deficiencies in supply, p. 67, par. 21—Inferior salt can be best procured from Coromandel, p. 69, par. 34—Recommendation that importation on a large scale should be used as a temporary measure only, p. 71, par. 43—Salt from, might easily be made available for the Bengal market, p. 75, par. 26.

Customs. Quantity of salt imported on which custom-duties were paid, 1819-1828, p. 85.

Cuttack. Probable result of the capabilities of the salt agencies of, p. 66, par. 20—Revival of the surplus system at, advantageous to the Government; beneficial to the people, p. 70, par. 38—Minimum produce of Bengal and Cuttack agencies, p. 70, par. 40—Regulation of, for the better permanent supply of, recommended, p. 71, par. 43—Account of quantity imported at Sulkea, 1821-1826, p. 80, par. 6.

Quantity

Cuttack—continued.

Quantity of Cuttack salt sold from May 1825 to April 1826, p. 83, par. 10—
Quantity of salt manufactured in, to be reduced, p. 95, par. 16—Balance of Cuttack
salt expected to be left on hand after February sale 1830, p. 95, par. 18.

D.

Delhi; Effect of the illicit trade in opium at, p. 41.

Dinagapore; Illicit cultivation of opium at, p. 9, par. 78.

Duties. See *Opium*, III. 1. *Salt*, 4.

E.

Eastern Markets. Preference shown for Company's opium, p. 13, par. 49.

Exclusive Rights of East India Company, See *Opium* II. 1.

Export. See *Opium*, II. 2. v. IV. 2, 3. *Salt*, 5.

F.

Fort Marlborough. Factory not subordinate to Bengal, p. 4, par. 20—No salt regulations
required there, p. 4, par. 24.

French. Quantity of salt sold to the French in the East Indies, 1821–22, p. 81, par. 7—
Sales to the, 1825–26, p. 82, par. 9—Salt supplied to the French Government, 1810—
1828, p. 84.

G.

Ghazeepore; Appointment of a Collector at, p. 20, par. 4.
See also *Salt*, 4.

Goa; Trade from, to Macao; its effects on the Company's revenue, p. 1, par. 1.

Golah. Advantageous separation of this office from the omlah; beneficial effects on the
revenue, p. 73, par. 36—Quantity of salt which, upon an average of 20 years, was cleared
from the golahs, and carried into the interior, p. 78, par. 18—Salt sold, but remaining
uncleared in the golahs, on 1st January each year 1790–1828, p. 84—Quantity cleared
out at the Company's golahs, 1790–1828, p. 84—Curtailement of supply of salt re-
commended, in order to effect a sale of the sold salt in Company's golahs, p. 93, par. 137
—Statement of the state of golahs as compared with the year preceding, p. 93, par. 2—
Quantity of salt sent into the interior from, in 1829, p. 93, par. 3—Merchants unable
to move their stocks from, on account of increased supply, p. 93, par. 4—Statement
exhibiting the clearances of salt from the golahs of the several agencies, for the month of
December 1829, compared with the clearances for Dec. 1828, p. 96—Statement of the
quantity of salt cleared from the Agency and Sulkea golahs, 1828–1829; with a memo-
randum of the total quantity of salt sold, but remaining uncleared, Dec. 1828–29, p. 97.

Goruckpore; Appointment of a Collector at, p. 20, par. 4.

Grain. Directions to enter into full consideration of advantages to be derived from
unrestricted trade in, and salt, between the two Presidencies, p. 73, par. 27.

Guzerat; Modification of Government regulations proposed for the supply of opium,
approved of, p. 17, par. 70—Cultivation of the poppy prohibited in, by the influence of
the British Government, (1803), p. 26.

H.

Hislop, Lieutenant; Discussion and conclusions drawn by, relative to the opium question,
p. 34.

I.

Illicit Trade. See *Opium*, II. 2. vii. *Salt*, 13.

Imports. See *Opium*, II. 2. iv.; IV. 2, 3. *Salt*, 5.

Indore. Instructions to the Resident as to treaties, p. 30, 31—Notice to agent to
report prices of opium regularly, p. 54.

J.

Jeremie, Captain; Advantages of employing him, p. 22, par. 8.

Jessore. Quantity of salt consumed, as supplied by Company's salt, since 1790, p. 84.

Jeypore; Necessity of treaty with that State, p. 30.

Johnston, Captain; His opinion of treaties with native princes for the purpose of securing the trade in opium, p. 39.

Juanpore; Appointment of a Collector at, p. 20, par. 4.

K.

Kharee Noon; Concurrence in decision with respect to salt manufactured in Behar, p. 73, par. 35.

Kotah. Instructions to Residents to conclude treaties with the State of, p. 30—Their remonstrance against the restrictive system, p. 3—Statement contained in a remonstrance from the Kotah Government against the restrictive system, p. 30—Desire of the Government to be relieved from particular clauses in agreement, p. 31—Unwillingness of the State of, to enter into treaties, p. 35.

M.

Macao; Trade from Goa, and other parts of India, to, in opium, p. 11, par. 1.

Maddock, Mr. Small quantity of opium produced in Eastern Malwa, p. 39.

Madras. Profit for the Madras Treasury on a Madras garce of salt, p. 68, par. 30—Improvement in the quality of Madras salt; relative increase of price as compared with Bengal salt, p. 72, par. 27—Quantity of Madras salt sold May 1825 to April 1826, p. 82, par. 10—Balance of Madras salt expected to be left on hand after February sale 1830, p. 95, par. 18—Madras permit salt to be imported 1830, p. 95, par. 19.

Malcolm, Sir J. Answers of the Government of Fort William to his despatches relative to the management of the Malwa Opium Trade, as far as Bombay was concerned, p. 56, 57.

Malwa. Consequences to Indian opium from the opposition of, in the Eastern and Chinese markets, p. 11, par. 2—Traders in, rivals of the Company in China market, p. 12, par. 43—Far the most powerful opposition, p. 12, par. 44—So much so, as probably to materially injure the Company's trade, p. 12, par. 44—Channels by which it found its way into the Eastern market, p. 13, par. 45—Useless obstructions raised to its introduction, p. 13, par. 45—Quality of, p. 15, par. 59—Sometimes surpasses Behar, p. 15, par. 59—Partial success of prohibitory regulations in preventing illicit trade in, p. 15, par. 59—Proposed plan of the Board of Trade for taking up, for the Company, p. 15, par. 60—Estimated supply of, at the Bombay sales, p. 15, par. 61—Quality of, p. 15, par. 63—Arrangements proposed by Mr. Wellesley for the purchase of, by the East India Company, p. 16, par. 63, 64, 65—Doubts of this plan, p. 16, par. 66—Agencies similar to those in Bengal the only means of controlling cultivation of opium in Malwa, p. 17, par. 69—Regulations necessary for the protection of the Company's revenue, p. 17, par. 71, 72—Regulation of distinction between the form of Malwa, Behar, and Benares opium, p. 18, par. 73—Great difficulties of the Malwa question, p. 18, par. 36, 37, 38, 39, 40, 41—Impracticability of managing Malwa opium like parts of Bengal, p. 19, par. 41—Comparative prices of Malwa, Behar, and Benares opium, p. 19, par. 42—How far Mr. Swinton's arrangements tended to secure the trade in, at the command of the British Government, p. 24, par. 11—Receipt and disbursement of Malwa department, p. 25, par. 15—Prices obtained for, in 1827, in China, p. 25, par. 19—Necessity of restricting the supply to the demand for the China market, p. 27—Route by which Malwa opium is smuggled, p. 27—Mode of providing funds for the purchase of, p. 28—No undue influence necessary to obtain the consent of Malwa States to restrictions on the trade, p. 31—Smuggling carried on: daring nature of the attempts, p. 34, 35—No difference taken place in poppy cultivation, in consequence of new regulations, p. 38—Manner in which East India Company might maintain their trade in relinquishing the Malwa trade, p. 41—Directions to Agents not to interfere in the cultivation of, in Malwa provinces, p. 41—Answers of the Government of Bengal to the views of Sir J. Malcolm, as to the supply of Bombay with Malwa opium, p. 56, 57—Opium agents' estimate of the net profit realized at a year's sale, p. 58, par. 12—Advantages anticipated by Sir John Malcolm of a transfer of the management of the Malwa opium concern to Bombay, p. 58, par. 13—Opinions of the Bengal Government on this subject, p. 59.

Manufacture. See *Salt*, 6.

Mediterranean.

Mediterranean. Price of Turkey opium, p. 14, par. 54. •

Metcalfe, Sir C. His opinion on the right of interference and search by the East India Company as to the opium trade, p. 32.

Meywar. Unavailing to use any restrictive arrangements under the present system carried on in Meywar, p. 32—Consequences in Meywar of attempting to carry the restrictive regulations into effect, p. 36.

Mirzapore. See *Salt Duty*.

Mocha. Quantity of Mocha salt sold May 1825 to April 1826, p. 83, par. 10.

Molunthees. Consequences to them of Aurungs being abandoned, p. 66, par. 17—Effect of any sudden abandonment of the demand from Bengal on the revenue of Fort St. George, in affording Molunthees the means of creating an extensive contraband traffic, p. 70, par. 37—To be allowed an adequate profit for their tydaad salt, p. 71, par. 52—Advance in price allowed them; apprehension of their deserting the manufacture, p. 73, par. 37.

Monopoly. See *Opium*, II. 1. 2.

N.

Native Princes. Arrangements made with them to prevent the illicit transit of opium, p. 24, par. 12—Necessity of procuring their zealous co-operation; method of arranging with them, p. 25, par. 14—Indemnification necessary for losses sustained by native princes, p. 28—Sir E. Colebrooke's opinion as to the right of Government to interfere with them, p. 33—Desire of chiefs generally to relinquish opium treaties, p. 45, par. 19; p. 46, par. 20—Notice of native princes of their desire to cease the supply of contract opium, p. 52, par. 52.

O.

Odeypore. Arrangements directed to be made with the Prince of, as to opium regulations, p. 29—Smuggling carried on through, p. 34, 35—Captain Cobbe's opinion of the Company's regulations, p. 36.

Omlah. Advantageous separation of this office from the golah; beneficial effects on the revenue, p. 73, par. 36.

OPIUM:

I.—CULTURE AND MANUFACTURE:

1. *Generally.*
2. *In particular Places.*
3. *Illicit.*
4. *Restraining Regulations.*

II.—TRADE:

1. *Exclusive Rights of Company.*
2. *General Trade.*
 - i. *In Company's Territories.*
 - ii. *Treaty with other States.*
 - iii. *Of particular Places.*
 - iv. *Importation.*
 - v. *Exportation.*
 - vi. *Agencies for Management.*
 - vii. *Illicit Trade.*

III.—REVENUE:

1. *Duties.*
2. *Regulations.*

IV.—CONSUMPTION AND SALE:

1. *Restraining Regulations.*
2. *Internal.*
3. *External.*

V.—QUALITIES AND PRICES:

VI.—GENERAL REGULATIONS:

See also *Passes*.

I.—CULTURE AND MANUFACTURE:

1. *Generally:*

Extensive building at Patna, p. 6, par. 10—The growth superintended by agents, p. 6, par. 12—Management proposed in Behar; advance to ryots, p. 7—Retrenchment of establishments, p. 7—Regulations for preserving the superior character of Behar and Benares opium in manner of packing, p. 10, par. 84—Advantages of employing Captain Jeremie in particular departments concerning the culture of opium, p. 22,

OPIUM—continued.

I. CULTURE AND MANUFACTURE—continued.

1. *Generally*—continued.

par. 8—Means adopted to superintend the produce and preparation of opium, p. 23, par. 11—Uselessness of the office proposed to be appointed of an opium-examiner, p. 23, par. 11—Cultivation of, very expensive, requiring much labour and manure, and irrigation, p. 24, par. 7—Measures taken by the Bengal Government for extending the cultivation of the poppy, p. 59, par. 15.

2. *In particular Places* :

Behar, p. 7—Impossible to prevent, in Rungpore, p. 8, par. 16—Insufficient production in Behar, p. 9, par. 76—In Dinagepore and Rungpore, p. 9, par. 78—Superiority of Behar and Benares opium, p. 10, par. 84—Advantage of employing Captain Jeremie in Behar, p. 22, par. 8.

See also Name of each Place.

3. *Illicit* :

Prevention of illicit manufacture, p. 5, par. 2—Agent's duty, p. 6, par. 12—To be prevented by agents appointed, p. 7—To be subject to fine and imprisonment, p. 8—In the province of Benares, p. 8, par. 15—In Rungpore and Dinagepore, p. 9, par. 78—Extent of, in Rungpore, Dinagepore, and Purneah ; proposed means of prevention, p. 9, par. 79—Proceedings of Zillah Court of Purneah censured, p. 10, par. 80.

4. *Restraining Regulations* :

The poppy not to be introduced in places where not hitherto grown, p. 9, par. 76—Not to be increased by forced cultivation, p. 9, par. 77—Not to be extended for supply, p. 9, par. 79—Necessity of imposing agencies, similar to those in Bengal, in Malwa, to control cultivation, p. 17, par. 69—Difficulties which arise in attempting the regulation of the growth of Malwa opium, p. 19, par. 41—Culture of the poppy prevented in Guzerat (1803), by the influence of the British Government, p. 26—Necessary to restrict the supply of Malwa opium to the demand of the China market, p. 27—Objections to which such restrictions would be liable, p. 27—Necessity of restricting the people in the Deccan from the sale and importation of opium, p. 27—Opinion of Sir C. Metcalfe on the subject of the right exercised by the Company of search and interference, p. 32—Opinion of Mr. Bayley on the same subject, p. 32—Any restrictive arrangements are unavailing under present system carried on in Meywar, p. 32—Uselessness of half-measures, p. 33—Effect of, in Jeypore, p. 33—Mr. Cavendish's opinion of their effect in States under his cognizance, p. 33, 34—Major Caulfield's opinion of, p. 34—Lieutenant Hislop's opinion of their injurious consequences, p. 34—Reasons why the enforcement of the restrictive system is incompatible with the state of the country, p. 35—Major Sutherland's opinion on the manner in which the cultivators are affected by the Company's regulations, p. 36—Consequences in Meywar of carrying regulations into effect, p. 36—Cultivators in Odeypore very slightly affected by restrictive measures, p. 36—Effect of, in Mahedpore ; opinion of Captain Borthwick concerning, p. 37—No decrease of poppy cultivation has yet taken place in Malwa, in consequence of new regulations, p. 38—Uselessness of making the cultivation of the poppy a matter of direct stipulation, p. 40—Use which these regulations have been of, to native princes, p. 40—Impossibility of rigidly enforcing, p. 41—Should be abandoned entirely ; regulations in Malwa, p. 43, par. 6—Consequences of restricting regulations being abandoned, p. 44, par. 78—Consequences of their abandonment in Malwa, p. 43, 44, par. 6, 7, 8 ; p. 51, par. 51—Effect of removing, produced a rise of price, p. 52, par. 51—Effect of their removal on the supply of the Bombay market, p. 52, par. 53.

II. TRADE :

1.—*Exclusive Rights of the Company* :

In the China trade, p. 2, par. 7—To be secured by high duties on foreign trade, p. 3, par. 5—Intention of the legislation to secure, p. 6, par. 9—Profits exclusively appropriated, p. 3, par. 10—Application to Parliament, p. 3, par. 11—Rules to secure Calcutta sales from competition, p. 4, par. 16, 17—Decline of, ascribed to the competition of foreign opium, p. 12, par. 40—Which has entirely destroyed advantages arising from monopoly, p. 12, par. 41—Rivals of the Company in the China market are traders in Malwa, Turkey, and illicit Bengal opium, p. 12, par. 43—Principally by Malwa, p. 12, par. 44—Which latter might seriously injure the Company's trade, p. 12, par. 44—Difficulties of controlling, under existing regulations, p. 13, par. 48—How affected by supply of foreign opium, and deterioration of quality in 1817—1818, p. 13, par. 49—Regulations necessary to maintain, p. 13, par. 50—To be kept up by superior quality of article, p. 15, par. 58—Difficulty incurred as to Malwa opium ; impossibility of controlling the trade as in other provinces, p. 19, par. 41—How far Mr. Swinton's arrangements secured the trade in Malwa opium for the Company, p. 24, par. 11—Regulations necessary for its maintenance, p. 28—Probable effect on the Bengal monopoly of restrictions not being adopted as to Malwa opium, p. 29—Consequences of, in Kotah and Malwa, p. 30, 31—Injurious effects of, on the interests of the mercantile body, p. 34—Incompatible with the just maintenance of the

OPIUM—continued.

II.—TRADE—continued.

1. *Exclusive Rights of the Company*—continued.

the provinces of Central India, p. 35—Difficulties of ensuring, from illicit trade, p. 40, 41—Restrictive regulations for protection of, to be abandoned, p. 47, par. 25—Consequences to Company's trade of the sale of passes and the free transit of opium, p. 53, par. 57—Sir John Malcolm's opinion as to purchase of opium at any price, differed from by the Bengal Government, p. 57, par. 6—Opium agents' estimate of the net profit realized at the year's sale, p. 58, par. 12.

2. *Generally :*i. *In Company's Territory :*

Powers given by 54 Geo. 3, for making restrictions, p. 2, par. 8—Regulations prepared, p. 4, par. 14, 15—Regulations for Behar, p. 10, par. 82—How affected by foreign competition, p. 12, par. 42.

ii. *By Treaty with other States :*

Proposal to regulate the trade of Goa and other parts of India, with Macao, by treaty with Portugal, p. 11, par. 1—Improbability of Portuguese government agreeing to any proposition of the nature, p. 11, par. 2—Arrangements made with native princes to prevent illicit trade in, p. 24, par. 12—Proposal to take into consideration of the General Department whether the existing treaties for furnishing Malwa opium shall be kept up with any, and which of the native princes, p. 26, par. 3—Treaty completed by Captain Cobbe with the State of Odeypore, p. 29—Instructions to the Resident at Indore, p. 30—To the Resident in Kotah, p. 30—Necessity of treaties with the Jeypore State, p. 30—Main object of these commercial treaties, p. 30—Agreement of the Amjeerah authorities to co-operate in the restrictive regulations of the Company, p. 30—Remonstrance of the Kotah Government against the restrictive system, p. 30—Treaties with some of the native powers in Rajpootana procured by improper exertion of irresistible influence of the East India Company, p. 30, 31—No undue influence exerted over the States of Malwa to obtain their agreement to regulations of the Opium Trade, p. 31—Treaties concluded with Indore, Dhar, Amjheera, Rutlam, Silonee, Seetamow, confirmed and sanctioned, p. 31—No treaties can be concluded with Jeypore, Joudpore, Kishengurh, or Scindia's Government, p. 33—Impalatable to those States in which the poppy is grown, p. 34—Boondée and Kotah States did not voluntarily enter into treaties, p. 35—Necessity of absolving such States as desire to be released from, p. 35—Nature of them destructive of all foreign trade, p. 36—Their consequences in Meywar, p. 36—In Rajpootana never cordially adopted, p. 36—Dissatisfaction of the Malwa State, p. 37—Treaties not injurious or productive of general dissatisfaction, p. 38—Extension of, to Scindia territories recommended, p. 38—Not looked upon favourably in Peertaubghur, p. 38—Treaties concluded by Captain Alves, p. 38—Willingness of chiefs to enter into these arrangements, p. 38—Consequences in Malwa of treaties, p. 38, 39—Captain Johnston's opinion of treaties with Native Princes, p. 39—General opinion that they are injurious to Sahookars, p. 39—Treaties not obtained by undue power or influence, p. 40—Ends obtained might have been secured by easier methods than treaties by the East India Company, p. 40—Difficulties of Native Princes in attempting to enforce, p. 41—Doubts of their firmness in aiding, p. 41—Treaties which apply only to transits to be relinquished, p. 43—Desire of chiefs generally to relinquish treaties, p. 45, par. 19; p. 46, par. 20—Abandonment of, approved of, p. 46, par. 23.

Plan of Government for carrying on trade on the abandonment of treaties and the restrictive system, p. 47, par. 25.

Notice of Native Princes of their desire to cease to supply contract opium after that season, p. 52, par. 52.

See also *Passes*.

iii. *Of particular Places :*

Turkey opium, its importation cannot be prohibited, but restraining duties may be imposed, p. 1, par. 4—Trade in, cannot be prevented by foreigners to China and the Eastern Isles, p. 2, par. 9—Calcutta sales to be protected, p. 4, par. 17—Bencoolen not subordinate to Bengal, p. 4, par. 18, 19—Fort Marlborough not subordinate, p. 4, par. 20—Turkey opium rivals the Company's in China, p. 12, par. 43—Lowest recorded price of Turkey opium, p. 13, par. 55—Selling prices of Behar and Benares opium, on averages of several years, p. 14, par. 57—Difficulty of driving Turkey opium from the market, p. 15, par. 58.

See also *Name of each Place*.

iv. *Importation :*

Cannot be prohibited, but may impose restraining duties, p. 1, par. 4—Regulations respecting duties must be sanctioned at home, p. 1, par. 6—In country trade may be interdicted by 54 Geo. 3, p. 2, par. 8—Power of interdiction doubted; high duty on foreign trade to be imposed to secure the exclusive trade, p. 3, par. 3, 4, 5—Duty on opium not Bengal produce, p. 4, par. 17.

320. D.

P 4

v. *Exportation :*

OPIUM—continued.**II.—TRADE**—continued.**2. General Trade**—continued.**v. Exportation:**

Production in Behar insufficient, p. 9, par. 76—Produce of Behar and Benares to be reserved for, p. 10, par. 82—Treaty with native princes to prevent exportation of Malwa opium, p. 13, par. 45—Difficulty of regulating the transit of Malwa opium, p. 18, par. 38, 39, 40, 41—Comparative prices at which Malwa, Behar and Benares opium might be brought to the coast for, p. 19, par. 42—Quantity exported from Central India in 1817—1823, p. 31—Manner in which exportation of Malwa opium might be prevented, p. 41—Vexatious and oppressive measures for controlling, p. 41—Treaties which interfere with free exportation to be abandoned, p. 42—Regulations as to Malwa, p. 43, par. 6.

See also *Passes*.

vi. Agencies:

Arrangement of, in Behar, p. 5, par. 4, 5, 6, 7, 8, 9; p. 6, par. 10—In the Sudder Station as to assistants, p. 6, par. 9—Allowances to agents should be liberal, p. 6, par. 11—Subordinate agents superintend the growth and sale; their qualifications, p. 6, par. 12—Regulations proposed, and their duties, p. 7—Rate of commission, p. 7—State of, in Benares and Ghazepore, p. 8, par. 15—Rungpore agency necessary from the impossibility of preventing the growth of the poppy, p. 8, par. 16—Duty and allowance of Behar agency, p. 10, par. 81, 82—Previous to agency system, Turkey opium was on a par with Bengal, p. 14, par. 56—Necessity of establishing, in Malwa, similar to Bengal, to control cultivation, p. 17, par. 69—Appointment of collectors at Tirhoot, Surem, and Shahabad, approved of, p. 20, par. 47—Further appointments of collectors at Allahabad, Juanpore, Goruckpore, Ghazepore and Ramgur, p. 20, par. 4—Mode of remunerating collectors approved of, p. 21, par. 4—Manner of settling disputes between agents, collectors, and cultivators, p. 21, par. 56—Directions to agents as to cultivation of opium in Malwa, p. 41—Establishment of a commercial agency in Malwa, separate from a political office, p. 47, par. 25—Disapproved of, p. 47, par. 29, 30—Directions to agent at Malwa to co-operate with Bombay Government in managing the price and issue of passes, p. 51—Agent at Indore to report prices, p. 54.

vii. Illicit Trade:

Turkey opium imported into Bengal; right of confiscation, p. 3, par. 7—Agents to prevent illicit practices, p. 6, par. 12—To be suppressed by fine and imprisonment, p. 8—In Benares, p. 8, par. 15—Extent in Rungpore, Dinagepore, Purneah, and along the Ganges; and proposed punishment for preventing, p. 9, par. 79—Officers required to suppress, p. 10, par. 82—Between Goa, and other parts of India, and Macao, p. 11, par. 1—Illicit trade from Bengal rivals the Company's in China, p. 12, par. 43—Extent of, in Bengal opium, is a serious evil, p. 13, p. 47—Prohibitory regulations against Malwa opium would only be partially successful, p. 15, par. 59—Difficulties of dealing with Malwa trade; proposed regulations; objections to them, p. 16, par. 63, 64, 65, 66, 67—How far Mr. Swinton's arrangements tended to reduce the illicit trade in Malwa opium, p. 24, par. 11—Arrangements made with native princes to prevent, p. 24, par. 12—Route by which Malwa opium is smuggled, p. 27—Affray in Boondée between opium smugglers and Rajah's troops, p. 32—Transported, by separate individuals, in small quantities, and in large, by meenahs, or bands, p. 34—Feelings of native princes at the manner of searching for contraband opium, p. 35—Daring manner in which carried on in Odeypore and Boondée, p. 35—Affrays with the military and smugglers, p. 35—Considerable quantities smuggled, p. 36—No attempts in Mahedpore to force opium out of the province by armed parties, p. 37—Extent to which carried in Scindia's territories, p. 39—Plan for preventing, by establishments in other States, generally offensive, p. 39—Despatch from the Resident at Delhi concerning, p. 41—Yearly augmentation of, by Diu and Demau, for the China market, p. 41—Carried on by armed bands, p. 41—Plan to prevent, by granting passes, p. 44, par. 13, 14, 15.

III.—REVENUE:**1. Duties:**

Annual amount of revenue, p. 1, par. 3—Regulation for protecting against foreign opium, p. 1, par. 3—Rate of proposed duty high, and reasons why, p. 3, par. 3, 4, 5.

Injury accruing to Company's revenue from trade between Goa, and other parts of India, and Macao, p. 11, par. 1—Duties agreed to be imposed by native princes to prevent the passage of Malwa opium, p. 13, par. 45—Suggestions for imposing an export duty on opium, p. 20, par. 48—To be paid to Scindia's officers pending treaties on the subject, p. 29—Manner in which the Company might command the trade by duties, if they extinguished the Malwa trade, p. 41.

Difficulty of imposing transit duties without reference to Government at home, p. 45, par. 13—Plan for sale of passes, p. 45, par. 15—Necessity of compounding with Sahooars for passes, p. 45, par. 18—Measures adopted for commuting passes approved of, p. 46, par. 23—Ease with which revenue may be collected by a system

of

OPIMUM—continued.III.—*REVENUE*—continued.1. *Duties*—continued.

of granting passes, p. 53, par. 61—Notice for issuing passes at Bombay, p. 53, par. 62—Revenue derived from issue of passes to be brought to account in Bombay, p. 54—Opinion of the Supreme Government as to the course pursued by Sir J. Malcolm, and the plans proposed by him, p. 56, par. 2, 3, 4, 5, 6.

2. *Regulations for Collection and Protection* :

Prepared by order of Directors, p. 3, par. 2—Importance of securing, p. 3, par. 10—By internal sale, p. 5, par. 2—Collection of revenue, of that in cultivation to be preferred to increasing the production, p. 9, par. 79—Arrangements for improving, p. 10, par. 81, 82—The price to be made high, more for restraining consumption than increasing revenue, p. 11, par. 85—Regulations necessary to protect the revenue from the competition of Malwa opium, p. 17, par. 71, 72—Necessity of gaining the greatest possible revenue from Behar and Benares opium, p. 19, par. 42—Disbursements and receipts of the Malwa Opium Department, p. 25, par. 15—Objects of the Government in India to secure the revenue on opium, p. 25, par. 17—Regulations necessary as to Malwa opium, p. 28—Advantages to the Maharanas of Odeypore by the restrictive regulations of the Company, p. 36.

IV.—*CONSUMPTION and SALE* :1. *Restraining Regulations* :

Preventing illicit sale, p. 5, par. 2—Under the Board of Revenue, with similar rules as those for the sale of spirits, p. 7—Interference for the sake of morals, being injured by the use, p. 7, par. 14—Illicit traffic to be prevented, and use confined to medicine, p. 8—Fines to be imposed, p. 8—Object of the Court of Directors to restrain the use, p. 9, par. 75—The introduction into new districts to be prevented, p. 9, par. 75—But not possible at Rungpore to be put under taxation, p. 9, par. 77—Consumption not to be encouraged, but the abuse of the drug lessened, p. 11, par. 85—Necessary for the protection of Company's trade, p. 12, par. 44—Slight success of, to control the sale of Malwa opium, p. 15, par. 59—Advantages to be derived from following proposed plan of Board of Trade regarding prohibitory regulations as to Malwa opium, p. 15, par. 60—Difficulties of dealing with Malwa opium; plan proposed; objections to, p. 16, par. 63, 64, 65, 66, 67—Treaties with native princes to prevent the transit of, p. 24, par. 12—Anticipated result of the means adopted for the protection of the revenue, p. 25, par. 16—Resolution passed, involving the total abandonment, on our part, of interference with the growth and transit of opium throughout Central India, p. 26, par. 1—At Odeypore, p. 29—Horror of the inhabitants of Rajpootana at the idea of the Company monopolizing the opium trade, p. 31—Opinion of Sir C. Metcalfe concerning the right of search and interference as to the opium trade, p. 32—Opinion of Mr. Bayley on the same subject, p. 32—Uselessness of arrangements in Meywar, p. 32—Uselessness of half measures, p. 33—Effect of, Jyepore, p. 33—Mr. Cavendish's opinion concerning, p. 33—Consequences in the Malwa; opinion of Major Caulfield, p. 34—Consequences of their abandonment in Malwa, p. 43, 44, par. 6, 7, 8; p. 51, par. 51—Effect of removing, produced a rise in price, p. 52, par. 51—Effect of their removal on the supply of the Bombay market, p. 52, par. 53.

2. *Internal* :

Attainment of revenue by, p. 5, par. 2—Under Board of Revenue, p. 7—Confiscated opium to be used to supply the deficiency of production in Behar, p. 9, par. 76—Not to be supplied by introducing the poppy into new places, p. 9, par. 76—Produce of Rungpore to be appropriated for, p. 10, par. 82—Arrangement proposed by Mr. Wellesley for the sale of Malwa opium to the Company, p. 16, par. 63, 64, 65—Doubts as to the utility of the plan, p. 16, par. 66—Arrangements made with native princes to prevent illicit trade in opium, p. 24, par. 12—Proposal to take into consideration of the General Department, whether the existing treaties for the furnishing Malwa opium shall be kept up with any, and which, of the native princes, p. 26, par. 3—Manner in which internal consumption should be arranged, p. 29—Propositions to the Supreme Government respecting, p. 29—Necessity of providing, for the countries to the north-west, p. 30—Quantity supplied by agents for, p. 44, par. 8—Quantity supplied for the Bombay Investment, 1829, p. 51, par. 47—Answer of the Government of Bengal to the despatches of Sir J. Malcolm, relative to the management of the Malwa opium trade, as far as Bombay was concerned, p. 56, 57.

3. *External* :

Demand in the Eastern market has considerably increased, p. 13, par. 49—In the Eastern market may be estimated at 8,000 chests, p. 13, par. 51—Views of the Bombay Government as to checking the exportation of Malwa opium, p. 26—Total amount of foreign opium supplied to the Chinese market, 1817–18, p. 27—Restraining regulations necessary to prevent the sale and exportation of opium grown in the Deccan, p. 27—Impossibility of preventing the exportation of the drug through the Bheel Tracts, p. 33.

OPIMUM—continued.V.—*QUALITIES and PRICES* :

Of the best Turkey opium in the London market, p. 1, par. 6—Bengal opium inferior, Behar and Benares superior, p. 10, par. 84—Superiority of Bengal opium over that manufactured in other parts of India, p. 11, par. 3—Quality of Company's opium obtains for it a decided preference, p. 13, par. 49—Price of Company's opium places it out of the reach of the poorer classes, p. 13, par. 49—Small quantity of, leaves room for foreign opiums, and high price enables them to sell much lower, p. 13, par. 49—Rival supplies increased in value lately, (1817–1818) from bad quality of Company's opium, p. 13, par. 37—Regulations as to, necessary to maintain the Company's trade, p. 13, par. 50—Price at which Turkey opium, bought in the Mediterranean, would yield a fair profit in China, p. 14, par. 54—Comparative value of Bengal and Turkey opium, p. 14, par. 55—Selling price of Behar and Benares opium, on an average of eight years, from 1787–8; and for various periods subsequently, p. 14, par. 57—Necessity of good quality to insure sale, p. 15, par. 58—Superiority of Company's opium if supplied of the standard quality of 1798, p. 15, par. 58—Quality of Malwa opium, p. 15, par. 59—Sometimes surpasses Behar, p. 15, par. 59—Difficulties which arise in attempting to exclude competition by price, p. 18, par. 40, 41—Prices obtained in China for Malwa opium owing to the increasing fondness of the Chinese, and the badness of the quality of Bengal growth, p. 25, par. 19—Price paid by the Company in Central India fair, p. 31—Price of, between 1819–1825, p. 34—Manner proposed for regulating the price, should Government change their mode of operation, p. 41—Prices at which agents had supplied a year's provision, allowing for sale and internal consumption, p. 44, par. 8—Limits of agents as to price for the supply of Bombay market, p. 56, par. 5—Consequences of the removal of restrictions on the price at Bombay, p. 58, par. 10.

VI.—*GENERAL REGULATIONS* :

Draft of, proposed, p. 7—Consequences of the monopoly of the East India Company in Central India, p. 42—New regulations, sanctioned by the East India Company, for the purchase of opium, p. 46, par. 23.

See also *Passes*.

P.

Pasley, Lieutenant; His opinion on the treaties and regulations of the East India Company, as to the opium trade, p. 38.

Passes for Opium. Policy of granting, for exportation, p. 44, par. 13, 14, 15—Necessity of compounding with sahookars, p. 45, par. 18—Measure adopted for commuting pass arrangement approved of, p. 46, par. 23—Issue of, conjointly with purchases recommended, p. 47, par. 26—Price to be demanded for, p. 47, par. 27—Plan incompatible with that of purchasing for re-sale, p. 47, par. 31; p. 49, par. 37—Objections to granting passes simultaneously with a continuance of purchases, p. 49, par. 39—No claims on the Government could arise from the issue of passes, owing to their immediate recal, p. 50, par. 42, 43—Plan of purchasing for re-sale entirely relinquished, and Government dealings confined to granting passes for free conveyance to Bombay for exportation, p. 51, par. 50—Manner in which Major Stewart granted passes in proportion to the deliveries, p. 51, par. 51—Prices at which passes could be readily sold, p. 53, par. 56—Good policy of granting; considerations under which they should be issued, p. 53, par. 59—Plan for selling by auction suggested, and abandoned; reasons of the Government, p. 53, par. 60—Ease with which revenue can be collected under a system of, p. 53, par. 61—Notice of Government as to the mode of application for, at Bombay, p. 53, 54, par. 62—Establishment to be reduced in consequence of this system, p. 54—Revenue derived from issue of, to be brought to account at Bombay, p. 54—Further regulations for the issue of, at Bombay, p. 54, par. 65, 66, 67—Answers of the Bengal Government to Sir J. Malcolm's suggestions for the regulation of, p. 57, par. 7—Bombay Government to arrange the detail of, as far as Bombay is concerned, p. 59, par. 14.

Patna. Extensive buildings there in the opium department, p. 6, par. 12.

Pearson, Mr. See *Attorney-General*.

Peertaubghur; Effect of treaties in, p. 38.

Permit-Salt. Quantity of permit-salt sold May 1825 to April 1826, p. 83, par. 10—Balance of permit and other foreign salt expected to remain on hand after February sale 1830, p. 95, par. 18.

See also *Salt*, 5.

Prince of Wales Island; No salt regulations required there, p. 4, par. 4.

Pringle, Captain. Opinions of, on the treaties and regulations of the Company, as to the opium trade, p. 38.

Profit. See *Salt*, 7.

Prohibitory Regulations. See *Opium*, IV. 1.

Q.

Quality. See *Opium*, V. *Salt*, 8.

R.

Rajpootana. Treaties concluded with the native powers in Rajpootana, were procured by improper exertion of the influence of the East India Company, p. 30, 31—Horror of the natives at the attempt of the Company to secure the monopoly of the opium trade, p. 31—Treaties submitted to in, never cordially adopted, p. 36.

Ramgur; Appointment of a Collector at, p. 20, par. 4.

Regulations. See *Salt*, 9.

Restraining Regulations. See *Opium*, I. 4; III. 2; IV. 1. *Salt*, 9.

Revenue. See *Opium*, III. *Salt*, 10.

Roads, By which opium can be conveyed, in any quantities, from Central India to the Coast, is not considerable, p. 24, par. 8.

Rock Salt. See *Salt*, 5.

Rohilcund. Propriety of refusing to establish an opium agency there, p. 21, par. 7.

Rungpore. Illicit cultivation, p. 89, par. 78—Of inferior quality, appropriated for internal consumption, p. 10, par. 82.

Ryots. Their state in Central India, p. 31—Contentment of, as long as internal consumption is cheaply provided for, p. 32—Their dissatisfaction at the monopoly of the Company, p. 33—Effect of opium regulations not injurious to, p. 39.

S.

Sahookers. General opinion that the treaties regulating the opium trade are injurious to them, p. 39—Causes which they have to complain of the measures of Government p. 40—Manner in which Major Stewart compounded with them as to passes, p. 45, par. 18.

Sales. See *Salt*, 11.

SALT:

- | | |
|------------------------|---------------------------|
| 1. <i>Generally.</i> | 8. <i>Quality.</i> |
| 2. <i>Agencies.</i> | 9. <i>Regulations.</i> |
| 3. <i>Clearances.</i> | 10. <i>Revenue.</i> |
| 4. <i>Duty.</i> | 11. <i>Sales.</i> |
| 5. <i>Export.</i> | 12. <i>Supply.</i> |
| 6. <i>Manufacture.</i> | 13. <i>Illicit Trade.</i> |
| 7. <i>Profit.</i> | |

1 *Generally:*

Directions to enter into considerations of advantages to be derived from unrestricted trade in, and grain, between the two Presidencies, p. 73, par. 27—Quantity of salt which, upon an average of 20 years, was cleared from the golahs, and carried into the interior, p. 78, par. 18—Actual clearances of salt for 10 years, 1820—1829, p. 94, par. 10.

2. *Agencies:*

Results of Reports from salt agents as to the capabilities of the Bengal aurungs, p. 66, par. 20—State of deficiencies 1818, p. 66, par. 21—Agencies alone are even more than adequate to the full supply of the market, p. 68, par. 28—Small profit derived from salt imported, compared with salt from agencies, p. 68, par. 30—Comparison between sales of agency and inferior imported salt; no necessity for continuing the latter, p. 69, par. 34—Quantity of salt which the agencies could supply, p. 69, par. 36—Minimum produce of Bengal and Cuttack agencies, p. 70, par. 40—Agents should particularly attend to the productive powers of the various aurungs, p. 71, par. 52—Good administration of, 1827, p. 72, par. 23—No apprehension of agencies being able to meet demand for supply, p. 72, par. 25—Difficulty of procuring supply from, a reason for looking to the coast for supply, p. 74, par. 25—Coromandel salt would, by undergoing a process, fill up deficiency of agency salt at Bengal, p. 75, par. 26—Season at which agency salt is first brought to sale, p. 79, par. 5—Agency salt sold 1821—1826, p. 80, par. 6—Agency salt sold 1825—26, p. 82, par. 9—Agency salt sold from December 1825 to April 1826, p. 83, par. 10—Agency salt sold from March 1826 to April 1827, p. 83, par. 10—Production of agency salt more advantageous

Salt—continued.

2. *Agencies*—continued.

than importation, and an increase of manufacture at the most productive agencies would be preferable to a resort to the coast, p. 89, par. 31—Statement exhibiting the clearances of salt from the golahs of the several agencies for the month of December 1828, compared with the clearances for December 1829, p. 96—Statement of the quantity of salt cleared from the Agency and Sulkea golahs 1828—1829, with a memorandum of the total quantity of salt sold, but remaining uncleared, December 1828—1829, p. 97.

3. *Clearances* :

Statement exhibiting the clearance of salt from the golahs of the several agencies for December 1829, compared with the clearances for the month of December 1828, p. 96—Statement of the quantity of salt cleared from the Agency and Sulkea golahs, 1828—1829, with a memorandum of the total quantity of salt sold, but remaining uncleared, up to December 1828—1829, p. 97.

4. *Duty* :

Regulations for imposing a duty on foreign salt, p. 2, par. 10—Regulations for increasing the rates of duties on Western salt imported into or in transit through the Ceded and Conquered Provinces; for levying a further duty upon those salts on entering Benares; and for remitting the town-duty at present leviable on Western salt imported into the City of Benares, approved of, p. 78, par. 26—Reference to the Attorney-General as to the legality of taxing the Province of Benares, so as to equalize the salt duty, p. 90, par. 32—Answer of the Attorney-General, p. 91, par. 36—Proposition for levying an enhanced duty on Western salt consumed in the Benares Province, p. 92, par. 38.

5. *Export* :

May be exported from England to India, p. 2—Regulation imposing duty on importation of foreign salt ordered, p. 63, par. 10—Profit derived from imported salt compared with that received from the agencies, p. 68, par. 30—Interest of the Government of Fort St. George not promoted by the export of coast salt, p. 68, par. 32—Opinion of the Board of Trade of what will be the permanent adequate importation of coast salt, p. 69, par. 36—Regulation of the supply for the better management of the Salt Trade recommended, p. 71, par. 43—Imported at Sulkea, viz. Cuttack, Madras, Permit, Bombay, and Rock salt; also, 9,302 maunds of confiscated salt, sold between 1821—1826, p. 80, par. 6—Quantity of Sulkea salt imported, 1825—26, p. 82, par. 9—Quantity of salt imported on which customs duties were paid, 1818—1828, p. 84—Regulation of the Board for limiting the importation of Cuttack salt approved of, p. 88, par. 25—Quantity of Madras and permit salt to be imported 1830, p. 95, par. 19.

6. *Manufacture* :

Abandonment of certain number of Aurungs recommended, p. 66, par. 17—Consequences on the Molunghees, p. 66, par. 17, 18—Reductions made in surplus stock by restrictions on manufacture, p. 66, par. 19—Unrestricted manufacture allowed on account of deficiencies 1818, p. 87, par. 21—Notwithstanding unrestricted manufacture supply fell short of estimate 1818, p. 70, par. 39—Advance of price to Molunghees; apprehensions of their deserting the manufacture, p. 73, par. 37—Complicated and expensive machinery necessary for Bengal establishment, p. 74, par. 38—Seasons at which the manufacture takes place, p. 79, par. 5—Regulations of the Board for restricting the manufacture at the several agencies approved of, p. 88, par. 25—Opinion of the Board at Madras on the effect of the suspension of manufacture of salt, p. 88, par. 27—A larger manufacture of agency salt preferable to a resort to the coast for importation, p. 89, par. 31—Quantity of coast salt necessary for the native consumption, p. 89, par. 31—Reduction in the quantities of salt manufactured at Bengal and Cuttack, p. 95, par. 16.

7. *Profit* :

Difference between profit on coast salt, and salt manufactured at Cuttack and Bengal agencies, p. 68, par. 28—Profit to the Madras treasury on a Madras garce of salt, p. 68, par. 30—Profit derived from imported salt, compared with that received from the agencies, p. 68, par. 30—Profit on Bengal salt as compared with inferior salt, p. 69, par. 34—Molunghees to be allowed an adequate profit for their tydaad salt, p. 71, par. 52—Gross and net sums which may be realized according to the quantity of salt Government may bring to sale; estimated profit, p. 94, par. 12.

8. *Quality* :

Comparison between relative price and quality of coast imported salt and agency salt, p. 69, par. 34—Improved quality of Madras as compared with Bengal, p. 72, par. 27.

9. *Regulations* :

Draft of regulations prepared, p. 2, par. 1; p. 3, par. 2—Regulations required at Prince of Wales Island and Fort Marlborough, p. 4, par. 14—No regulations required

SALT—continued.9. *Salt Regulations*—continued.

at Prince of Wales Island and Fort Marlborough, p. 63, par. 10—Failure of various regulations of the Government of India, p. 65, par. 11, 12—Proposed alterations of, relative to supply and sale price, p. 76, 77, par. 6-18—State and prospects of the salt revenue; points in regard to which former information was defective; new regulations proposed, p. 88, par. 28, 29, 30, 31, 32—Regulation for levying an enhanced duty on the Western salt consumed in the Benares Province, p. 92, par. 38.

10. *Revenue* :

Importance of securing the revenue, p. 3, par. 10—Protection of, recommended, p. 63, par. 10—Unfavourable state of, 1814-15; as compared with former years, p. 64, par. 27—Causes of the decrease of profit, p. 64, par. 27, 28—Alarm of the Government at home at the serious decrease in, p. 64, par. 32—Amount of sales, amount of selling price, and net profit of the revenue, 1815-16-1818-19, p. 67, par. 26—Revenue derived at Fort St. George from salt exported to Bengal very inconsiderable, p. 68, par. 29—Revenue would not suffer by discontinuance of supply of inferior salt, p. 69, par. 34—Effect which any sudden abandonment of the demand from Bengal would have upon the salt revenue of Fort St. George, p. 70, par. 37—Stability of, depends upon extension of consumption, p. 72, par. 23—Security to the revenue by regulations 1829, has not improved, p. 73, par. 34—Advantages resulting from the separation of the golah and omlah officers, p. 73, par. 36—Effect likely to be produced on the revenue by experiments of increasing quantity and reducing price, p. 76, par. 6-12—Existing salt revenue not capable of increase by extension of supply, as at present regulated; only method of increasing the revenue is to extend the tax to countries not now furnished from Calcutta, p. 89—Consequences to revenue should sales of salt not be diminished, p. 94, par. 11.

11. *Sales* :

How conducted in 1818, p. 66, par. 21—Amount of sales, amount of selling price, and net profit of revenue, 1815-16-1818-19, p. 67, par. 26—Necessity of bringing a large quantity of inferior salt to sale questioned, p. 69, par. 34—Effect on sales of 1818, of want of sufficient supply of salt, p. 70, par. 39—Importance of diminution of the cost of this article, p. 72, par. 24—System recommended for the supply of, instead of periodical sales, p. 72, par. 24—Effect likely to be produced on revenue by increase of supply and diminution of sale price, p. 76, par. 6-12—Seasons at which the sale of agency salt takes place, p. 79, par. 5—Sold by retail in Cuttack 1821-1826, p. 80, par. 6—Quantity of salt sold in 1821-22, p. 81, par. 7—Quantity of salt sold 1825-26, p. 82, par. 9; p. 83, par. 10—Quantity of salt sold, but remaining in the golahs, in each year 1790-1825, p. 84—Quantity sold by public auction in each year 1790-1828, p. 84—Total quantity of salt available, and which it rested with the purchaser to clear, 1790-1828, p. 84—Average price per 100 maunds salt sold at Honourable Company's sale, 1790-1828, p. 85—Retail sale of salt at reduced prices in Cuttack and Chittagong, p. 85—Opinion of the Board, supposing the plan of fixed annual sales to be adhered to, how many should be made in the year, and at what periods, p. 86, 87—Quantity sent from golahs in 1829, p. 93, par. 3—Consequences to merchants should the sales not be diminished, p. 94, par. 11—Gross and net sum which may be realized according to the quantity of salt Government may bring to sale, p. 94, par. 12—Reduction of, to reduce balance of uncleared lots, recommended, p. 94, par. 13; p. 95—Objections to decreasing the amount of sales, p. 95, par. 15—Balance of Bengal and Cuttack salt expected to be on hand after February sale, p. 95, par. 17—Quantity of sold salt cleared December 1828-1829, and from the beginning of each official year 1828-1829, p. 96—Directions to limit the quantity of salt to be sold at the various sales 1830, p. 97, 98.

12. *Supply* :

Nature of the surplus system, p. 65, par. 14—Causes of its failure, and reasons for its discontinuance, p. 65, par. 15, 16—Deductions made in surplus stock by restrictions on manufactures and importation, p. 66, par. 19—Deficiency of supply from Cuttack in 1818, p. 66, par. 21—Permanent standard of the annual demand, as assumed by the Board of Trade 1817, p. 67, par. 26—Amount of sales, amount of the selling price, and net profit of revenue, 1815-16-1818-19, p. 67, par. 26—Agencies alone sufficient to the full supply of the market, p. 68, par. 28—Necessity of supply of large quantities of inferior salt questioned, p. 69, par. 34—Quantity necessary; amount furnished by agencies, p. 69, par. 36—Revival of surplus system in Cuttack; use to the Government and benefit to the people, p. 70, par. 38—Amount necessary to retain in store 1817, p. 70, par. 39—Amount proposed to be kept in store subsequent to 1817; insufficiency of these estimates, p. 70, par. 39—Notwithstanding large supply 1818, supply fell short of estimate, p. 70, par. 39—Amount drawn from balance in store in 1818, p. 70, par. 40—Effect of successive bad seasons on demand for, p. 71, par. 41—Method recommended for revising the present means for, p. 71, par. 43—Manner proposed for regulating bounties for the supply of, p. 71, par. 53—Remedy proposed for the present fluctuating supply, p. 72, par. 24—Regulations

SALT—continued.

12. *Supply*—continued.

tions of 1829 have in no way increased the supply, p. 73, par. 34—Necessity of attention of the Indian Government to the supply to be derived in case of deficiency from coast salt, p. 74, par. 38—Insufficiency of, for the population of Bengal, p. 74, par. 23—Supply from the coast necessary on account of insufficiency of agencies, p. 74, par. 25—Bengal might be supplied from Coromandel Coast, p. 75, par. 26—Proposed alterations in, to promote consumption, p. 76, 77—Quantity which, on an average of twenty years, was supplied to the interior, p. 78, par. 18.

Quantity of salt consumed in those provinces which were intended to be supplied with the Company's salt, 1790; viz. Tumlook, Jessore, Bullooah, p. 84—Quinquennial and annual average increase in the supply of salt 1790—1828, p. 85—Total supply of illicit salt of every description to the inhabitants of those provinces, the consumption of which was intended to be provided by the monopoly, 1790—1828, p. 85—Extent of supply required for the year's consumption of Bengal and Behar, and quantity to be provided with reference to the wants of the population on one hand, and the maintenance of the revenue on the other, p. 86, 87—Curtailement of supply for the sake of clearing the Company's golahs of sold salt, p. 93, par. 137—Effect of over-supply on the merchants' stocks in golahs, p. 93, par. 4—Actual clearances of salt for ten years, 1820—1829, p. 94, par. 10.

13. *Illicit Trade*:

Great prevalence of smuggling, p. 64, par. 29—Temptation to, on account of large revenue drawn from, p. 64, par. 32—Causes of the increase of, p. 65, par. 13, 14—Great increase of, owing to the abandonment of Aurungs, and the throwing molunghees out of employment, p. 66, par. 17, 18—Means of preventing, p. 66, par. 21—Any sudden abandonment of the demand from Bengal of salt might afford molunghees the means of creating contraband trade, p. 70, par. 37—Demand will increase in proportion as smuggling is prevented, p. 71, par. 54—Reports of illicit dealing in salt much exaggerated, p. 89, par. 31.

Sangor; Importance of experiments going on at, and results expected therefrom, p. 72, par. 26.

Sarum; Approval of the appointment of Collector at, p. 20, par. 47.

Shahabad; Approval of the appointment of Collector at, p. 20, par. 47.

Shipping. Advantages derived by ship-owners from the trade in salt, p. 68, 69.

Sirowey; Territory of, in no way affected by opium engagements, p. 34.

Smuggling. See *Opium Trade*, II. 2. ix.

Stewart, Major. Manner in which he compounded with Sahookars as to passes for opium, p. 45, par. 18—Desire of chiefs to relinquish treaties; information from Major Stewart on this subject, p. 46, par. 20.

Store. See *Salt*, 12.

Sulkea. Quantity of salt imported and confiscated, 1825—26, p. 82, par. 9—Sulkea salt, viz. Cuttack, Madras, Permit, Rock, Mocha, and confiscated salt, sold from May 1825 to April 1826, p. 83, par. 10.

Supply. See *Salt*, 12.

Sutherland, Major. His opinion of the arrangements of the Company for restricting the cultivation of the poppy, p. 36.

Swinton, Mr. Approval of his appointment as agent at Malwa, p. 19, par. 43—Resignment of his office, p. 24, par. 3—Satisfaction expressed at his inquiries, p. 24, par. 6—Activity with which he prosecuted his inquiries, p. 24, par. 8.

T.

Tirhoot; Approval of the appointment of Collector at, p. 20, par. 47.

Trade, Illicit. See *Opium* II. 2. vii. *Salt*, 13.

Transit Duties. See *Revenue*.

Trotter, Mr.; His memorial concerning supply of salt; opinion of the Court thereupon, p. 75, par. 25.

Tumlook;

Tumlook; Quantity of salt consumed in, as supplied with Company's salt, since 1790, p. 84.

Turkey Opium. Importation cannot be prohibited, but restraining duties may be imposed, p. 1, par. 4—Price of, in the London market, p. 1, par. 6—Company may refuse license to send it to China, p. 2, par. 7—Cannot prevent the trade in, from the Eastern Isles to China by foreigners, p. 2, par. 9—Imported into Bengal, p. 3, par. 6—Consequences to Indian opium from the opposition of, in Chinese and Eastern markets, p. 11, par. 2—Traders in, rivals of the Company in China market, p. 12, par. 43—Manner of conveying, from Turkey to China, p. 13, par. 46—Lowest recorded price of Turkey opium in the Mediterranean, p. 13, par. 50—Price at which Turkey opium, bought in the Mediterranean, would yield a fair profit in China, p. 14, par. 54—Comparative value of Turkey and Bengal opium, p. 14, par. 55—Difficulty of driving Turkey opium out of the market, p. 15, par. 58—Relative value of Bengal and Turkey opium, p. 27.

W.

Wellesley, Mr. His co-operation with Mr. Swinton in managing the trade in Malwa opium, p. 24, par. 12—Answers furnished by the opium agent to queries from Government; concurrence of Mr. Wellesley in the statement, p. 31—His answers to applications from the Government, p. 33, 34.

See *Malwa*.

APPENDIX
TO THE
REPORT
ON THE
AFFAIRS
OF
THE EAST INDIA COMPANY.

V.

ON THE ESTABLISHMENT OF

*Legislative Councils,—A New System
of Courts of Justice,—and a
Code of Laws,*

IN BRITISH INDIA.

*Ordered, by The House of Commons, to be Printed,
11 October 1831.*

LIST.

COPIES of all CORRESPONDENCE, with Documents annexed thereto, which passed between the Governor General in Council and the Judges of the Supreme Court of Judicature, as well as between the Indian and Home Authorities, respecting the ESTABLISHMENT of LEGISLATIVE COUNCILS for BRITISH INDIA, a NEW SYSTEM of COURTS of JUSTICE, and the FORMATION of a CODE of LAWS, from the Year 1828 inclusive to the latest Period.

	Page.
LETTER from Mr. Secretary Mackenzie to Mr. Secretary Auber (with Three Enclosures, Nos. 20, 21, 22); dated 20 October 1829 - - - - -	1
No.	
1.—LETTER by the Governor General in Council to the Judges of the Supreme Court of Judicature at Fort William; dated 14 July 1829 - - - - -	1
2.—LETTER from Board of Revenue, Lower Provinces, to the Governor General in Council at Fort William (with Two Enclosures); dated 24 January 1829 - - - - -	9
3.—LETTER from Board of Revenue, Lower Provinces, to the Governor General in Council at Fort William (with One Enclosure); dated 4 February 1829 - - - - -	9
4.—LETTER from Mr. Secretary Mackenzie to J. Pearson, Esq. Advocate General; dated 6 February 1829 - - - - -	10
5.—LETTER from John Pearson, Esq. Advocate General, to Holt Mackenzie, Esq. Secretary to Government; dated 20 February 1829 - - - - -	10
6.—LETTER from E. Molony, Esq. to the Board of Revenue, Lower Provinces; dated 23 February 1829 - - - - -	11
7.—LETTER from Board of Revenue, Fort William, to W. B. Bayley, Esq. Vice President in Council, Fort William; dated 6 March 1829 - - - - -	12
8.—MINUTE by the Hon. Sir C. T. Metcalfe; dated 15 April 1829 - - - - -	13
9.—MINUTE by the Hon. Sir C. T. Metcalfe; dated 2 May 1829 - - - - -	25
10.—NOTE by Mr. Holt Mackenzie; no date - - - - -	27
11.—NOTE by Mr. W. H. Macnaghten; dated 9 April 1829 - - - - -	32
12.—NOTE by Mr. J. W. Hogg; dated 17 May 1829 - - - - -	34
13.—NOTE by Mr. A. Ross; no date - - - - -	38
14.—LETTER from W. H. Macnaghten, Esq. Register Sudder Dewanny Adawlut, to Henry Shakespear, Esq. Secretary to Government, in the Judicial Department (with Enclosures); dated 5 June 1829 - - - - -	41
15.—COPIES of Opinions as to the Powers of the Mofussil Court to take cognizance of Civil Suits in which both Parties are Europeans: Mr. Minchin, Serjeant Bosanquet, Sir N. Tindal - - - - -	42
16.—LETTER from the Judges of the Supreme Court at Calcutta to the Board of Commissioners for the Management of the Affairs of India, Calcutta - - - - -	44

LIST—*continued.*

No.	Page.
17.—CORRESPONDENCE with the Nizamut Adawlut and the Magistrate of the Suburbs of Calcutta, respecting Khoodabux, Saduttoolah and Challaroo; marked (A. B. C. D.)	49
(A.)—LETTER from H. Shakespear, Esq. Secretary to Government, to W. H. Macnaghten, Esq. Register of the Nizamut Adawlut; dated 16 June 1829	49
(B.)—LETTER from W. H. Macnaghten, Esq. Register of the Nizamut Adawlut, to Henry Shakespear, Esq. Secretary to Government in the Judicial Department	50
LETTER from R. Brown, Esq. to W. H. Macnaghten, Esq.; dated 2 July 1828	50
(C.)—LETTER from H. Shakespear, Esq. Secretary to Government, to the Acting Magistrate of the Suburbs of Calcutta; dated 7 July 1829	51
(D.)—LETTER from J. Thomason, Esq. to Henry Shakespear, Esq.; dated 13 July 1829	51
18.—MEMORANDUM on the Recorder's Court at Singapore, Malacca, and Prince of Wales Island, by Mr. R. Fullerton; dated 8 May 1829	52
19.—LETTER from the Judges of the Supreme Court at Calcutta to the Governor General in Council; dated 2 October 1829	53
20.—MINUTE by the Hon. Sir Charles E. Grey, Knight; dated 2 October 1829	54
21.—MINUTE by the Hon. Sir J. Franks; dated 23 September 1829	78
22.—MINUTE by the Hon. Sir E. Ryan; dated 2 October 1829	88
23.—MINUTE by Lord W. C. Bentinck, Governor General; dated 10 October 1829	100
24.—LETTER from the Governor General in Council to the Judges of the Supreme Court of Judicature at Fort William; dated 20 October 1829	102
25.—LETTER from the Governor General in Council to the Court of Directors, &c. &c.; dated 14 October 1830	104
26.—LETTER from the Judges of the Supreme Court to the Governor General in Council, submitting the following Papers relative to the institution of Legislative Councils, the formation of a Code, and the establishment of a System of Courts; dated 13 Sept. 1830	105
HEADS of a Bill, to be intituled, "An Act for establishing Legislative Councils in the East Indies" (Enclosure, No. 1)	107
OBSERVATIONS on a Suggestion by the Governor General in Council, relative to the formation of a Code of Law for the British Territories in the East Indies (Enclosure, No. 2)	111
OUTLINE of a System of Courts for the British Territories in the East Indies (Enclosure, No. 3)	114
OBSERVATIONS on various Questions touching the Origin and Nature of the Authority possessed by the Government and the Jurisdiction of the Supreme Court of Judicature; with Suggestions for the better Administration of Justice, and the adjustment of the numerous points now involved in doubts and difficulties (Enclosure, No. 4)	117
27.—LETTER from Governor General in Council to the Judges of the Supreme Court, suggesting for their consideration certain Alterations and Additions in the Bill to be entitled, "An Act for establishing Legislative Councils in the East Indies;" dated 28 September 1830	141
28.—LETTER from Governor General in Council to the Judges of the Supreme Court, communicating the sentiments of his Lordship in Council, on the Papers submitted by them relative to the formation of a Code of Laws and the establishment of a System of Courts for the British Territories in the East Indies; dated 9 October 1830	143

LIST—*continued.*

No.	Page.
29.—LETTER from the Judges of the Supreme Court to the Governor General in Council, in reply to Letter of the 28th September; stating their sentiments on the Additions and Alterations proposed in the Bill; dated 7 October 1830 - - - - -	150
30.—LETTER from the Governor General in Council to the Judges of the Supreme Court; explaining more clearly the views of his Lordship in Council, in suggesting an Alteration commented upon in the above Letter; dated 11 October 1830 - - - - -	151
31.—LETTER from the Judges of the Supreme Court to the Governor General in Council; returning Amended Minutes of a Bill for establishing Legislative Councils in the East Indies; dated 13 October 1830 - - - - -	152
HEADS of a BILL, to be intituled, “ An Act for establishing Legislative Councils in the East Indies” - - - - -	153
32.—LETTER from J. Thomason, Esq. Officiating Deputy Secretary to Government, to P. Auber, Esq. Secretary to the Court of Directors, transmitting further Communication received from the Judges of the Supreme Court of Judicature at Fort William, in Bengal, with its Enclosure; dated 28 December 1830 - - - - -	159
33.—LETTER from the Judges of the Supreme Court to the Vice President in Council; forwarding with their sentiments, Copy of a Letter addressed by them to the Secretary of the India Board, relative to the existing System of Law and Government in India, and the Changes contemplated by the institution of a Legislative Council; dated 16 December 1830 - - - - -	159
34.—LETTER from the Judges of the Supreme Court to the Secretary of the Board of Commissioners for the Affairs of India, relative to the existing System of Law and Government in India; dated 16 October 1830 (Enclosure in the above) - - - - -	162
INDEX - - - - -	189

A P P E N D I X

TO

Report on the Affairs of The East India Company.

V.

ON THE ESTABLISHMENT OF

Legislative Councils,—A New System of Courts of Justice,—and a Code of Laws,

IN BRITISH INDIA.

(Territorial Department, Revenue.)

LETTER from *Holt Mackenzie*, Esq., to *P. Auber*, Esq., &c. &c. &c.

SIR,

Fort William, 20th October 1829.

WITH reference to my Letter of the 1st September last, I am directed by the Governor General in Council to transmit to you, for the purpose of being laid before the Honourable the Court of Directors, copies of the several Papers specified in the annexed List, of which the subject will hereafter be again brought to the notice of the Court in a separate Despatch.

I have the honour to be, Sir,

Your most obedient Servant,

(signed) *Holt Mackenzie*,
Secretary to Government.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

— No. 1. —

LETTER from Lord *W. C. Bentinck*, Governor General in Council, to the Honourable Sir *Charles E. Grey*, Knight, Sir *John Franks*, Knight, and Sir *Edward Ryan*, Knight, Judges of the Supreme Court of Judicature at *Fort William*.

HONOURABLE SIRS,

Fort William, 14 July 1829.

IN pursuance of the intention stated in the concluding paragraph of our Letter of the 13th instant, we have now the honour of communicating to you the views and sentiments which we entertain in regard to the measures to be pursued for the adjustment, among others, of the important question discussed in the Despatch addressed by you to the Secretary to the Board of Commissioners for the Affairs of India.

{ In the General Department,
Consultation, 13th June
1827, No. 5.

2. Previously to the receipt of that Letter, the defective state of the Law relating to the jurisdiction of the King's Court, and to the powers of the Government and of the Tribunals established by its authority in the interior of the country, had for some time occupied our attention.

3. In regard to almost every provision of the British Parliament, whether for defining the legislative authority of the Governments of the several Presidencies, or for prescribing the course to be pursued by them in the executive administration, questions have arisen of a very embarrassing nature. The rules applicable to the Sudder Dewanny and Nizamut Adawlut, and to the subordinate Native Courts,

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

which rest on parliamentary enactments, though few in number, have given rise to many doubts and difficulties. Those relating to the rights and obligations of individuals are not more free from obscurity.

4. On several important points the question of the jurisdiction of His Majesty's Courts appears to be involved in doubts, productive of alarm to our native subjects, of embarrassment to the local Governments, and discredit to our country. In some instances it seems to us that those Courts have been compelled, by a construction of the law contrary to the probable intention of the Legislature, to extend their jurisdiction in a degree inconsistent with the public convenience; and we cannot but perceive that a delay which must attend a reference to England, for the purpose of removing such doubts, or of reconciling the obligations of the law to the exigencies of State expediency, might be attended with the most afflicting consequences. In cases, moreover, in which the co-operation of the King's Court is requisite to the validity of the laws and ordinances of the local Governments, there exist no means, short of an application to Parliament, of insuring consistency of proceeding at the several Presidencies, however essential to the public interests. The legislative powers vested in the several Governments, in their application to British born subjects, and to persons of all nations and persuasions residing within the cities of Calcutta, Madras and Bombay, (some of whom have no recognized law of marriage or inheritance,) appear to fall in several respects short of what the exigency of the case demands; and the present system, under which rules and ordinances applicable to those cities are passed, seems to be open to many and serious objections.

5. The good fortune which this Presidency has enjoyed does not materially lessen our sense of the evil, since it is obvious that the mischief of an inapplicable law can never be cured by the wisdom and moderation of Judges bound to obey it. We can only therefore derive from the circumstance the gratifying assurance, that in soliciting your aid and advice, our representation will be met with a cordial desire to concur in every measure that may appear calculated to promote the interests of our country.

6. While we are strongly impressed with the defectiveness of the existing law, as applicable to the state of things for which it was designed to provide, we see abundant reason to conclude, that the changes which have recently occurred, and those which may soon be anticipated, are likely to render its imperfections still more glaring.

7. The new Insolvent Act must apparently give rise to many cases very inadequately provided for. Some parts of the law for the improved administration of criminal justice, appear to contemplate the existence of institutions not known to the country; and if increased facility be given to Europeans to settle in the interior, and to acquire landed property, a measure which we deem essential to the best interests of England and of India, it is clear that many and serious inconveniences must be experienced, unless they be liable, with the rest of the inhabitants, to the authority of the local Courts.

8. In deliberating on the means of correcting past omissions, and of providing for the exigencies of the future, we are forcibly struck with the apparently insurmountable obstacles that present themselves to the attempt of accomplishing those objects by a parliamentary enactment for the several cases. To hope that all the points which will arise can be anticipated by any scheme of prospective legislation, would be visionary. To expect that the matters which have actually presented themselves can be provided for by Parliament, without giving occasion to many new and intricate questions, would be to overlook the result of all past experience. It will be equally at variance with all the conclusions which we should draw from general reasoning. Even in legislating relative to things most familiar, with all the advantages of full discussion by the parties interested, and all the information acquired by the daily business of life, it is seldom that the consequences of a law are fully anticipated.

9. With such impressions, we cannot resist the conclusion, that it is a matter of the most urgent expediency to have in this country an authority legally competent to legislate for all classes and all places, subject to the political authority of the Honourable East India Company; and this persuasion, the facts and observations stated by you in the Despatch to which we have already referred, are calculated powerfully to confirm. Now, in the present circumstances of the country,

there

there seem to be no elements for a Legislature, excepting the Government and His Majesty's Courts; and it seems to us that the concurrence of both is for a variety of reasons highly desirable. In other words, we should propose, that the Members of the Supreme Government and the Judges of the Supreme Court of Calcutta should be constituted a Legislative Council, with power to enact laws for the guidance of all Courts, whether established by The King or by the local Government, within the territories of the East India Company, and for the regulation of the rights and obligations of all persons subject to their authority.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

10. By these means we should hope that the defects of the law, as now existing, might be speedily and safely corrected, without imposing upon any burthensome additional labour, or requiring from you any duty inconsistent with the most complete independence in your judicial capacity.

11. We should anticipate very great benefit from a change by which the Judges of your Court would be constitutionally empowered and authorized to afford us the full benefit of your experience and legal knowledge, and by which they would, equally with the Members of the Government, have a voice in regard to the expediency of all proposed laws, instead of being confined, as now, to a decision on the question of their repugnance or otherwise to English law, after the Government has committed itself by their enactment.

12. The registry and publication of such laws in the Supreme Court, with the same right of appeal to The King in Council, might be made, as now, in the case of rules and regulations for the good order and civil government of the Presidency; the Judges of the Court having, however, as such, administrative functions only. Any argument against a proposed law (supposing parties to appear and oppose it) to be heard, if heard at all, before the Supreme Council, constituted as above, from which the appeal to His Majesty in Council should lie.

13. Coming to the above conclusion, as to the general measure to be adopted for remedying the defects of the existing system, it does not appear to be necessary for us to enter into any detailed explanation of the circumstances under which those defects have practically developed themselves, or of the specific rules and regulations by which we should propose to apply a remedy. It may not, however, be irrelevant to state, that we are informed that the persons whose case has been submitted by you to His Majesty's Government had, previously to their being put upon their trial in the Supreme Court, been tried by the Court of Circuit, three of whom were acquitted by the Judge of that Court for want of proof, and one was ordered to be discharged by the Nizamut Adawlut, on a reference from him, on a failure in jurisdiction, in consequence of the stolen property having been found in the prisoner's possession within the limits of the town of Calcutta. It may also be proper to take this opportunity of remarking, that the criminal law, as administered by the Nizamut Adawlut and the subordinate Courts in the interior of the country, retains but little of the Mahommedan Code, whether in respect to the laws of evidence, or to the punishments annexed to offences; and that we most anxiously desire to adopt all practicable improvements in the constitution and forms of those Courts, so as to obviate every reasonable objection against the extension of their jurisdiction to all cases which can be expediently subjected to that of your Court.

14. The immediate object, however, of the present Address is to solicit a communication of your opinion on the general question. And should your sentiments concur with those we entertain, as to the expediency and necessity of enlarging the legislative powers of Government, we shall be much obliged to you if you will further state the conclusions to which a consideration of the subject may lead you, in regard to the mode in which such powers could best be exercised, and the limitations to which the exercise of them should be subjected.

15. We have directed our Judicial Secretary to furnish you with all the Papers which we have had immediately under consideration on the present occasion, and with any others to which you may desire to refer.

We have, &c.

(signed) *W. C. Bentinck.*
W. B. Bayley.
C. T. Metcalfe.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

(Miscellaneous.)

— No. 2. —

LETTER from Board of Revenue, Lower Provinces, to Lord *W. C. Bentinck*, Governor General in Council, &c. &c. &c., *Fort William*.—(With Two Enclosures.)

Board of Revenue, Lower Provinces,
24 January 1829.

MY LORD,

WE have the honour to submit, for the orders of your Lordship in Council, the accompanying Letter, addressed to our Secretary by the Receiver of the Supreme Court, with its Enclosure, described to be an authenticated copy of a Decree of the Supreme Court in the suit mentioned in the margin.

Woomeschunder Paul Chowdry, and another,
versus
Premchunder Paul Chowdry, &c.

2. The Letter from the Receiver of the Supreme Court contains an application that instructions may be issued by the Board to the Local Collectors, for registering on their respective Records, as joint proprietors of the several lands adjudged to them, the names of the parties to whom those lands have been decreed.

3. We are not aware of any precedent for this application to us, and we are of opinion that decrees of this description by the Supreme Court should be carried into effect through the Mofussil Courts, to which the necessary application for the purpose should be made.

4. A mutation of names cannot, however, be legally entered in the Malgoozar Registers before possession has been obtained in the constituted manner; and we conclude, of course, that no decree of the Supreme Court can affect the liability of the entire estate for arrears of public Revenue until a separation and allotment of Jumma shall have been made, on the application of the parties, in conformity with the provisions of the Regulation XIX., 1814; and if it shall be deemed expedient that orders be issued to the Collectors by this Board, we would propose to instruct those officers to enter the names of the parties as joint proprietors.

5. The orders of Government are more particularly solicited on the present occasion, inasmuch as we observe the Supreme Court has appointed one of its European officers to administer the collections and receive the rents of the six Annas share allotted to Woomeschunder Paul Chowdry, and the heirs and representatives of Ruttenchunder Paul Chowdry, deceased, of the lands and premises detailed in the Decree; thereby superseding, as we conceive, the jurisdiction of the Court of Wards in regard to the infant defendant, Gunganarain Paul Chowdry, should the estate of the said minor become subject to the jurisdiction of that Court; but in regard to the circumstances of which estate our Records do not at present afford us the means of information; and involving likewise a possible collision of authority between the Revenue Officers and the said Receiver and Manager, in case the landed property should at a future period come under attachment by orders of the Courts of Justice, as provided for by Regulation V. of 1827.

6. Until we shall be favoured with the receipt of the orders of your Lordship in Council, we shall postpone any communication in reply to the application from the Receiver of the Supreme Court.

We have, &c.

(signed)

J. Pattle.
W. Blunt.

(Enclosure in No. 2.)

LETTER from *E. Macnaghten*, Esq., to *G. A. Bushby*, Esq., &c. &c. &c.

Receiver's Office, Court House, Calcutta,
23 January 1829.

SIR,

I HAVE the honour to transmit herewith an authenticated copy of a Decree of the Supreme Court of Judicature, passed on the 16th of September last, in the suit of Woomeschunder Paul Chowdry and another against Premchunder Paul Chowdry, &c.; and to beg that you will lay the same before the Board, with my request that instructions may be issued to the Collectors of the districts of Nadia, Jefsore, and the twenty-four Pergunnahs, for registering in their respective Records the names of Woomeschunder Paul Chowdry and Woojulmoner Dossee, the widow and representative

sentative of Ruttenchunder Paul Chowdry, as joint proprietors of the several lands adjudged to them by the said Decree, with a view to its provisions being duly carried into effect.

You will have the goodness to observe, that by the said Decree James Weer Hogg, esquire, is appointed the Receiver of the six Annas share allotted jointly to the said Woomeschunder Paul Chowdry, and the heirs and representatives of Ruttenchunder Paul Chowdry, deceased, and that the duties of Receiver have lately been transferred to me.

I have, &c.

(signed) *E. Macnaghten*,
Receiver, Supreme Court.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

(Copy.)

In the SUPREME COURT of JUDICATURE at *Fort William in Bengal*.

In Equity.

THE Honourable Sir *Charles Edward Grey*, Knight, Chief Justice;
The Honourable *Edward Ryan*, Knight, Justice.

Tuesday the 16th of September, in the ninth year of the reign of His Majesty King GEORGE the Fourth, and in the year of our Lord 1828. Between Woomeschunder Paul Chowdry and Ruttenchunder Paul Chowdry, by Sree Multy Dossee, his mother and next friend, Complainant; and Premchunder Paul Chowdry, Isserchunder Paul Chowdry, Juggulkishore Bundapadho, and Ramsoonder Goopto, Defendants; by Original Bill: And between Woomeschunder Paul Chowdry and Ruttenchunder Paul Chowdry, an infant of Sree Multy Dossee, his mother and next friend, Complainants; and Isserchunder Paul Chowdry, Juggulkishore Bundapadho and Ramsoonder Goopto, and Joynorain Paul Chowdry, and Gunganorain Paul Chowdry, sons, heirs and legal personal representatives of Premchunder Paul Chowdry, deceased, Defendants; by Bill of Revivor: And between Woomeschunder Paul Chowdry and Ruttenchunder Paul Chowdry of Woomeschunder Paul Chowdry, his brother and next friend, Complainants; and Isserchunder Paul Chowdry, Joynorain Paul Chowdry, and Gunganorain Paul Chowdry, Juggulkishore Bundapadho, and Ramsoonder Goopto, Defendants; by Supplemental Bill: And between Woomeschunder Paul Chowdry, Complainant; and Isserchunder Paul Chowdry, Joynorain Paul Chowdry, Gunganorain Paul Chowdry, Sree Multy Dossee, Defendants; by further Supplemental Bill: And between Woosulmoney Dossee, Complainant; and Woomeschunder Paul Chowdry, Isserchunder Paul Chowdry, Joynorain Paul Chowdry, Gunganorain Paul Chowdry, and Sree Multy Dossee, Defendants; by Bill of Revivor.

This Court doth think fit to order, adjudge and decree, and doth accordingly order and decree, that the partition and division of the several zemindaries, pergunnahs, dhees, villages, lands, messuages, houses, hereditaments and premises so made by the said returns and schedules to the said two several Commissions of Partition issued respectively on the said 31st day of July 1824, and on the 7th day of June 1827, be firm and effectual for ever, and be carried into effect: And it is further ordered, adjudged and decreed, that the said Isserchunder Paul Chowdry, and the heirs and representatives of the said Premchunder Paul Chowdry, deceased, do and shall hold and enjoy jointly, as members of a joint individual Hindoo family, and for their ten sixteenth parts or shares of the said lands and premises, the several lands and premises following; that is to say, No. 1, the Pergunnahs Allumpore, in the district of Nuddea, and province of Bengal, including Goomdpire, comprising and consisting of sixty villages, and not sixty-four villages, as in the said Commission, issued on the 31st day of July 1824, are mentioned, and the lands and grounds appertaining and belonging thereto. No. 3, the Pergunnah Paujnoir, in the district of Nuddea, and province of Bengal, as by title-deeds, comprising and consisting of thirty-six villages, and not thirty-eight villages, as in the said Commission described, and the lands and grounds appertaining and belonging thereto. Of No. 4, the Dhee Unmendpore, and others, in the Chucka Sreenuggur, in the district of Nuddea, and province of Bengal, comprising and consisting of eighty-three, and not eighty-two, villages, as in the said Commission mentioned; the fifty-eight villages following; that is to say, Nijsanpore, Ramsunkupore Rajahpore Chungrah in Tamf Tooroonepore Itchlampore Bhohrlah Lalook Rogoonathpore, Khur Rajahpore Tulcomie Mamoodpore Nij Bhunder Colloh Palloh Kor Kullah by Manoodpore, Konockpore Hoodugoraby Satasey Rostoomegore Dat Bhanga Chou-

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

zatcha Nij Champah, including Nobyekha Siemoolah Rammessore Pore Bangadunga, Nundou Kooly Nij Camdahpore Chattenah Nij Darupore Bolorampore, Hoodun Bolampore Bangalpore Nij Seroppore Russillohpore Gooroumary Dawooly, Nij Mothorgah Cheygoyroh Nij Chowgatcher Sibpore Hoodamampore Henguaiah Mahaschandrapore Cheerely Poorooneah Bolubpore Nuckhupore Boltoh Jaotoh Dhurmopore Coondoleah Rotchulpore and Takver Pautchpollah Nij Baughlancy Soerjun Maudpore Maneckloll Mutterpore Chiltalah Bullubpore Rockchulpore Bookvor Pautchpotah, and the lands and grounds appertaining and belonging thereto. No. 5, the Pergunnah of Ameerabad, in the same district and province, comprising and consisting of four villages, and the lands and grounds appertaining and belonging thereto. No. 6, the village and lands of Dacrepore and Mungenkollah, in the same district and province, comprising and consisting of two villages, and the lands and grounds belonging and appertaining. Of No. 10, the Chucklah Dooleapore and Dhee Kissenpore, in the same district and province, consisting and comprising 149 villages, and not 189 villages, as in the said Commission mentioned; the ninety-three villages following; that is to say, Nij Malangoh Battpooley, Tughurry Mundogram Kautchroh Hanty, Bremmo Lanson Lawbealy including Jungul and Puttit Kultuosserapore Chuck Isslampore Bouna Daugah Okroh Cooraly, Shery Charol Goryroh Kholly Kottyham Howl Itcha Coor including Pantonea Pookereah and Jungul and Puttit Hanapore Chouheetah Gholah Doyepam Hansure Couty Khojah Bauah Gooah Baniah Chardiah Bossontpore, including Gonapoty, Nij Soonamoojory Daboueah Gunge Cottah Mondo Cottah Bannatpire Cotte Pautkoley Sibpore Saikunderpore Jodo Danodopore Soder Cotte Dumralez Sair Cotte Rounadipore Cotte Sobono Gutcha Parooss Chuck Coman Cotte Ramaissorepore, Ragoorampore Horicompore Minojcotte Gonassepoore, Mohowkholly Joyhtollah Nursingkholly Antopore Bholson Cotte Maheesey Mottee Tulloh Bistnopore Morah Gotcha Noyee Hottee, Chingrah Alleepore Joynagoo Nij Autsoth Porroh Bejercotte Godhooleeah, Goyoroh Coley Kessore Hossampore Khoromey, Ansey Coor Sibpore, Chuck Sibpore Roghoosum Poore Bajoodh, Goree Mondhoo Cotte Mastohapore Peraupore Joychundee Tulloh Camer Gorah Toher Bang Telley Kholley Hamodoho, Ramgohindpore Choleattah Ghollah Chomarding Bickorlonpore Toongupore Boogdoll, Gopaulpore Ramchunderpore, Baneeah Dabeypore Cootabpore, Bargachee and Bublohpore, and the lands and grounds appertaining and belonging thereto. Of No. 11, the Dhee Bajuspore, in the Pergunnah of Datceea and district of Jefsore, in the same province, consisting and comprising eighty-six and a half villages, and not eighty-four villages, as in the said Commission mentioned; the fifty villages following; that is to say, Nij Cahilpore Pootreeah Kholly Kismut Soorooteah Chondepore Bacpempore Aaleypore Dabesorah Ekrapore Daleepore Indrougai Choopnagore, Mooradabad Luckhunmagore Mogoorah Ghonoh, Nij Lingoh Khaloora Maudpore, Syley Had, Hooleah Denbaka, Bore Barnery Modenpore, Rajahpore Ghesloh, Pookooreah Kismut, Sarickoodho Kismut, Sunoomeah Buckseyonpore, Koomareah Banttroh Noyacollee Bucksay, Zooroppore Kismut, Chain Kollah, Goal Chattee, Rajindropore Kismut Koomareet Nij Rajah Bagilpore, Rajah Cotte Mohadebpore Monumpore, Cham Kollah Kismut Chettrelah, Goal Barreah, Jamlah Gourangpore Knolloy Mauleba, and the lands and grounds appertaining and belonging thereto. No. 12, the Dhee Dandpore, in the Pergunnah of Satoor, in the same district and province, consisting and comprising 163 villages, and the lands and grounds appertaining and belonging thereto. No. 13, a moiety of, in and to the Turruf Punamee, in the same district and province, consisting and comprising four villages, and the lands and grounds appertaining and belonging thereto. Of No. 18, four upper-roomed messuages, tenements or dwelling-houses, situate in Clive-street, in Calcutta, and province, of Bengal; and of No. 56, eight buildings or godowns, lately erected or built at Clive-street, in Calcutta aforesaid; all which last-mentioned houses and godowns in Clive-street aforesaid are comprised and contained in the Map or Plan annexed to the Return to the said Commission of Partition issued on the 31st day of July 1824, and marked (X.) No. 4, one upper-roomed house and three godowns, marked on the said Plan or Map with the letters (A.) (B.) and (C.), and four beguhs, one cattah and one chittack of ground, whereon the said upper-roomed house and godowns are erected and built, and situate to the west of Clive-street aforesaid, and which said house, godowns and land are in the said Map or Plan coloured red. No. 19, one other upper-roomed message, tenement or dwelling-house called Pastawall a Battee, situate at Sootanooley in Calcutta aforesaid, with fifteen cattahs and twelve chittacks, and not one beguh, two cattahs and six chittacks, as in the said Commission

mission mentioned, or thereabouts, belonging thereto; and which said house, lands and premises are comprised and contained in the Map or Plan thereunto annexed, and marked (X. No. 5.) and are therein distinguished and marked by the figure (No. 19.) written across the same. No. 20, one also a lower-roomed messuage or tenement, situate at Sootanooley aforesaid, called Secunder Sahibs Battee, and the land whereon the same is erected and built, containing sixteen cattahs and two chittacks, and which said last-mentioned house and premises are comprised and contained in the Map or Plan thereunto annexed, marked (X. No. 6.) and are thereon distinguished and marked by the figure (No. 21.) written across the same. No. 22, a piece or parcel of land or ground situate and lying at Noaths Racey, in Calcutta aforesaid, containing four cattahs and five chittacks, and not about eight cattahs, as in the said Commission mentioned; and which said last-mentioned piece or parcel of land or ground is contained and comprised in the Map or Plan thereunto annexed, and marked (X. No. 5.) and is therein distinguished and marked by the figures (No. 22.) written across the same; and also all that piece or parcel of land or ground situate at Comortollah-street, in Calcutta, houses and premises thereupon erected and built, containing one beguh and two cattahs, and which said last-mentioned piece or parcel of ground is not mentioned or described in the said Commission, but is comprised and contained in the said Map or Plan thereunto annexed, marked (X. No. 7.) And it is further ordered, adjudged and decreed, that the said Woomeschunder Paul Chowdry, and the heirs and representatives of Ruttenchunder Paul Chowdry, deceased, do and shall hold and enjoy jointly, as members of a joint and undivided Hindoo family, as and for their six sixteenth parts or shares of the said lands and premises following; that is to say, No. 2, the Pergunnah Baugmarah, in the district of Nuddea and province of Bengal, comprising and consisting of forty-two villages, and the lands and grounds appertaining and belonging thereto. Of No. 4, the Dhee Unandpore and others in the Chucklah Sreenagore, in the same district and province, comprising and consisting of eighty-three villages, and not eighty-two villages, as in the said Commission, issued on the 31st day of July 1824, are mentioned; the twenty-five villages following; that is to say, Nij Donontpore Mallaypore Day, Poochooreah Gungseroh Comer Goreeoh Sorey Day, Govindoonagore, Nij Baluah Dangoh Panteh Potoh Babegoareah Soyah Dangha, Mooda Diobeehoondeeo Soree Dwar Casanne, Chattroh Baghee Beckrampore Mauleepootah, Calleenpooree, Cooporeebanghee Zoolsoroh, Sumobeah Juggutroy Gungapors haut Coomarsatpore Radanagore Torampore, and the lands and grounds appertaining and belonging thereto. No. 8, the Turruff Moozeppore, in the same district and province, comprising and consisting of twenty-five villages, and the lands and grounds appertaining and belonging thereto. No. 9, the Dhee Rajahpore, in the same district and province, comprising and consisting of eighteen villages, and the lands and grounds appertaining and belonging thereto. Of No. 10, the Chucklah Dooleahpore and Dhee Kessunpore, in the same district and province, comprising and consisting of 149 villages, and not 189 villages, as in the said Commission, issued on the 31st day of July 1824, are mentioned; the forty villages following; that is to say, Nij Doolaboona Rowatsoh Probungpore Setkoonder Nagore Pantch Barwoh Govindnagore Moororee bautry Mohescoor Deedlore Cossem-pore Bickenpore Dawoolay Dawool Daith Bhoowoleah Nij Battee Bandoos Ghatta Rogorampore, Bansborreah Chundertollah Goosary Mohepsorepore Bullubpore, Situlpore Gonoputee Bankroh Gessereypore Gorra Khulley Noy Cottee Poora Kholly Mawjutantly Khoosalpore Austah Kholly Nedayah Chuck Doho Dor-ryapore Bosontpores Roodoorpore Soondah Bareah Poleeah Poteeah Ramoh Ballubpore Raneyuagore, and the sixteen villages in Dhee Restnapore, including Bona Ranarainpore, and the lands and grounds appertaining and belonging thereto. Of No. 11, the Dhee Baguspore, in the Pergunnah Dantea and district of Lessore, in the same province, comprising and consisting of eighty-six and a half villages, and not of eighty-four villages, as in the said Commission, issued on the 31st day of July 1824, are mentioned; the thirty-six and a half villages following; that is to say, Nij Cossieppore Kismut Cossieppore Bander Coloh Benodeahs half Pucokorahs Cankolan Luddhee Pasoh Banuehpore Nij Tughorey Bistopore Bhopedan Suttaypore Bankroh Auleypore Mookoondopore Somekah Sookoorkolah Booroorepooree, Nij Ronootorah Moorpoore, Aungabarrah, Soomosdepore, Aumaur Collypore Torajee Hurreah, Ghope Roshaupore Gourypore Bawoojooney Looghey Pookoriah Sankdoho, Tailcoopey Raurehporroh Sampire Dandpore Coolborriah Kismut, Cool Baireah, and the lands and grounds appertaining and belonging thereto. No. 48, the Lalook of Degulram, situate in the district of Nuddea, and twenty-four Pergunnahs in the province of Bengal, comprising and consisting of

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

six villages, together with the lands and grounds belonging and appertaining thereto. Of No. 18, four upper-roomed messuages, tenements or dwelling-houses situate in Clive-street in Calcutta, and province of Bengal ; and of No. 56, eight buildings or godowns, lately erected and built at Clive-street in Calcutta aforesaid ; and all which houses and godowns in Clive-street aforesaid are comprised and contained in the Map or Plan annexed to the Return to the said Commission issued the 31st of July 1824, and marked (X.) No. 4. three upper-roomed houses and seven godowns, and one beeguh, fourteen cattahs and nine chittacks of ground, whereon the said last-mentioned houses and godowns are erected and built, and situate to the east of Clive-street aforesaid ; and which said houses, godowns and lands are in the said last-mentioned Map or Plan coloured green. No. 55, a piece or parcel of land or ground consisting of two cattahs and two chittacks, and not of two and a half cattahs, or thereabouts, as in the said Commission mentioned, situate in or near Nauths Bagaun-street, in Calcutta, in Bengal aforesaid ; and which said piece or parcel of land is comprised and contained in the Map or Plan thereunto annexed, marked (X. No. 5,) as is therein distinguished and marked by the figures (No. 55) written across the same number, twenty-one other upper-roomed messuages, tenements or dwelling-houses situated at Sootanooty aforesaid, called Sapoossess Bauty, together with one beeguh, six cattahs and five chittacks of ground, as in the said Commission mentioned, appertaining and belonging thereto, and which said last-mentioned houses and lands are comprised and contained in the Map or Plan thereunto annexed, marked (X. No. 6,) and are therein distinguished and marked by the figures (No. 20) written across the same. And it is further ordered, adjudged and decreed, that the said Isserchunder Paul Chowdry, and the heirs and representatives of Premchunder Paul Chowdry, and the said Woomeschunder Paul Chowdry, and the heirs and representatives of Ruttenchunder Paul Chowdry, deceased, do execute each to the other all such proper deeds and conveyances of the aforesaid lands and premises so allotted to them, the said Isserchunder Paul Chowdry and the heirs and representatives of the said Premchunder Paul Chowdry, and the said Woomeschunder Paul Chowdry, and the heirs and representatives of Ruttenchunder Paul Chowdry, as may be necessary for vesting the same in them jointly, their heirs, representatives and assigns, as aforesaid. And it is further ordered, that George Money, esquire, the Master of this Court, do settle such deeds and conveyances, in case the parties shall differ about the same ; and that in the meantime the parties do hold and enjoy their respective shares so allotted to them as hereinbefore ordered and decreed, according to the said petition, and that each of the said parties do deliver to the other or others of them the title-deeds, which solely relate to the premises allotted to them respectively. And it is further ordered and decreed, that such deeds and conveyances as relate partly to the said premises allotted to the said Isserchunder Paul Chowdry and the heirs and representatives of the said Premchunder Paul Chowdry, and partly to the said premises allotted to the said Woomeschunder Paul Chowdry and the heirs and representatives of the said Ruttenchunder Paul Chowdry, be brought in and deposited in the office of the said Master of this Court for their mutual benefit, subject to the further order of this Court ; and that all parties, at his or their own costs and charges and expenses, may be at liberty to have attested copies of all or any of such deeds, muniments and writings. And it is further ordered and decreed, that the costs of the said Commission of Partition shall be paid and borne by the parties in the proportion of their interests in the said property ; that is to say, ten sixteenth parts or shares thereof by the said defendant, Isserchunder Paul Chowdry, and the heirs and representatives of the said Premchunder Paul Chowdry, deceased, and six sixteenth parts or shares thereof by the said Woomeschunder Paul Chowdry, and the heirs and representatives of the said Ruttenchunder Paul Chowdry, deceased. And this Court doth further order and decree, by and with the consent of the said Woomeschunder Paul Chowdry and Woojulumoney Dossee, the widow of Ruttenchunder Paul Chowdry, deceased, their advocates and attorneys in these causes, that James Weer Hog, esquire, the Receiver of this Honourable Court, be, and he is hereby appointed, the receiver of the said six Annas share, allotted jointly to the said Woomeschunder Paul Chowdry and the heirs and representatives of the said Ruttenchunder Paul Chowdry, deceased, and that the said Isserchunder Paul Chowdry do, forthwith, deliver possession thereof to the said Receiver. And it is further ordered and decreed, that the said Receiver do and shall pay to the said Woomeschunder Paul Chowdry one moiety or half part or share of the rents, issues and profits of the six Annas share from time to time as the same shall be received by the said Receiver. And it is further ordered and

decreed, that it be and it is hereby referred to George Money, esquire, the Master of this Court, to inquire and report whether any and what joint family-worship has hitherto been maintained and kept up at the family dwelling-house at Ranaghat, and whether or not, according to the religious laws and usages, it is fit and proper that such joint family-worship should be continued at the joint expense; and if the said Master shall report that such joint family-worship ought to be continued at the joint expense, that he do then report what sum ought to be set apart for the maintenance and performance of such worship. And this Court doth further order, that this decree shall be binding on the said infant defendant, Gunganarain Paul Chowdry, unless he shall, within six months after he shall have attained his age of sixteen years, show unto this Court good cause to the contrary. And this Court doth further order and decree, that the said Master do make his report on the matters hereby referred to him on or before the second equity day of the next ensuing term. And this Court doth think fit to reserve, and doth hereby reserve, all further directions until after the said Master shall have made his report on the matters hereby referred to him; and in the mean time all parties are at liberty to apply to this Court from time to time as they may be advised. Witness, Sir Charles Edward Grey, Knight, Chief Justice at Fort William aforesaid, the 16th day of September, in the year of our Lord 1828.

Stacey, Attorney.

(signed) *J. W. Hogg*, Register.

Tate Romatt, and Master Attorney.

Voe, Attorney.

(A true Extract.)

(signed) *J. W. Hogg*, Register.

(Miscellaneous.)

— No. 3. —

LETTER from Board of Revenue, Lower Provinces, to Lord *W. C. Bentinck*, Governor General in Council, &c. &c. &c., *Fort William*.

Board of Revenue, Lower Provinces,
4th February 1829.

MY LORD,

IN continuation of our Letter, dated the 24th ultimo, we have the honour to forward another communication, dated 2d instant, from the Receiver of the Supreme Court.

2. The lands referred to are advertised for sale for arrears of revenue; those in the Jefsore district on the 5th instant, and those in the Nuddea district on the 12th instant; and under any circumstances they must, we are of opinion, be first responsible for the Government Revenue.

We have, &c.

(signed) *J. Pattle*,
W. Blunt.

(Enclosure.)

LETTER from *E. Macnaghten*, Esq., to *G. A. Bushby*, Esq., &c. &c. &c.

SIR,

WILL you have the goodness to inform me whether any thing has yet been settled regarding the subject of my Letter of the 23d ultimo?

I now find that the Collectors of Jefsore and Nuddea have advertised for sale, on the 5th and 12th of this month, some part of the lands allotted, by the decree of the Supreme Court, to Woomeschunder Paul Chowdry, and to the heirs and representatives of Ruttenschunder Paul Chowdry, deceased, for arrears of Revenue due to Government.

I trust that, pending the reference to Government of my Letter of the 23d, the Board will direct the sale to be postponed.

I am, &c.

Court-house, }
3d of February 1829. }

(signed) *E. Macnaghten*,
Rec. Sup. Court.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

— No. 4. —

LETTER from Mr. Secretary *Mackenzie* to *J. Pearson*, Esq.,
Advocate General.

SIR,

Council Chamber, 6 February 1829.

* Letter from Board of Revenue, dated }
24th January last, with its Enclosures. }
Ditto - - ditto - - 4th February - ditto. }

I AM directed by the Right honourable the Governor General in Council to transmit to you the Papers noted in the margin,* and to request that you will state your opinion, whether the Supreme Court has jurisdiction in cases touching the succession or transfer of real property in the Mofussil, and how far the judicial and Revenue officers of Government are bound to recognize the Receiver appointed by the Court in the case referred to in the above Correspondence.

2. You will perceive that the revenue of the estate referred to is in arrear, and consequently that an early reply to this reference is urgently required.

3. You will be pleased to return the above Papers with your reply.

I have, &c.

(signed) *H. Mackenzie*, Sec^y to the Gov^t.

— No. 5. —

LETTER from *John Pearson*, Esq., Advocate General, to *Holt Mackenzie*, Esq.,
Secretary to Government.

SIR,

Fort William, 20 February 1829.

I HAVE the honour to acknowledge the receipt of your Letter, in which you request my opinion whether the Supreme Court has jurisdiction in cases touching the succession or transfer of real property in the Mofussil, and how far the judicial and Revenue officers of Government are bound to recognize the Receiver appointed by the Court in the case referred to in the Correspondence forwarded to me.

2. The appointment of an European officer by the Supreme Court appears to me a circumstance of little moment in itself, and wholly distinct from the possession or occupation of land in the Mofussil, as the right to make such appointment depends upon the extent of the jurisdiction which the Supreme Court possesses; and I entertain very considerable doubts whether the Supreme Court was originally meant to possess any jurisdiction at all beyond the limits of Calcutta, except over British subjects, and certain other persons specified in the Acts of Parliament.

For it is not, I believe, pretended, that the actions which particularly relate to real property out of Calcutta, the action of ejectment, for example, can be brought in the Supreme Court, except in those cases where the lands have been in the occupation of a British subject; and it certainly appears an inconsistency that the same Court should, notwithstanding, be empowered to seize and sequester, or transfer or divide, the lands in the Mofussil.

3. The Supreme Court has, however, at all times, claimed and exercised this right, under the powers alleged to have been conferred by Acts of Parliament and the Charter granted by the Crown.

The statute 21 Geo. III., c. 70, s. 17, gives to it "full power and authority to hear and determine, in such manner as is provided for that purpose in the said Charter or Letters Patent, all and all manner of actions and suits against all and singular the inhabitants of the said city of Calcutta." And the 18th clause of the Letters Patent directs that the Supreme Court shall be a Court of Equity, and assimilates its power and authority to the Court of Chancery in England.

The process of the Court of Chancery was in its origin against the person, in order to enforce a decree; but in time, from experience of the evils attendant on this mode of proceeding, it had recourse to a species of process against the property itself, by means of the writs of sequestration.

The Supreme Court adopted these in conformity with the words which I have cited from the Charter; and by analogy with other steps taken in the English Court of Chancery, as well as to give effect to the peculiar incidents and tenures of land in this country, it has also issued, as in the case submitted to me, the writ of partition.

4. In this mode of considering the subject, I conceive that the Supreme Court is borne out by the expressions of the Charter, though (as I have intimated already) I am inclined to doubt whether any such power was originally meant to be given. It may be added, that by the Charter of Justice, sect. 9, it seems that the powers of the *Sheriff* are extended over Bengal, Behar and Orissa, though I think it probable that this was originally intended to reach only British subjects and their property; the case of property in the Mofussil in the hands of natives, inhabitants of Calcutta, not being in the contemplation of the framers of the Charter.

The power, however, has been exercised by the Supreme Court from the earliest times, and it is now too late, I conceive, to resist it with effect. At all events, the only regular mode of trying the question is by an appeal to The King in Council; and I ought to observe, that in many instances the decisions of the Supreme Court in circumstances similar to the present have been sent home upon appeal, and confirmed by The King in Council, without its appearing to have occurred to them that the Court had exceeded its powers.

5. In the mean time it appears to me, that the officers of Revenue are not called upon to alter the mode of proceeding prescribed by the Regulations of Government, which have the entire authority of laws in the Mofussil. They are indeed directed, in common with other persons, to be "aiding, assisting and obedient in all things" unto the said Supreme Court of Judicature." But I do not conceive that this injunction would justify a disobedience of the Regulations of Government, merely because a party may infer that some of these Regulations are, in their consequences, inconsistent with the intention of the Supreme Court. I do not, however, perceive in what manner the judicial officers of Government can be affected by the present mode of proceeding in the Supreme Court.

6. At the same time, in looking at the strange and anomalous state of things in this country, arising from the various laws, regulations and institutions that exist, from the powers of the Supreme Court and of the General Government, distinct from and usually independent of each other, at the same time that they are in some measure concurrent, it is easy to see that an interference must occasionally take place, and it is clear that it is most desirable to avoid any unpleasant collision. I trust I shall be pardoned if I take the liberty of suggesting, that perhaps some plan may be devised to carry into effect the decrees of the Supreme Court, without interfering with the independent rights and powers of the Government. I am not sufficiently acquainted with the details of the establishments in the Mofussil to venture upon suggesting any project; but if a mode could be pointed out which should be at once efficient in itself and not objectionable to the Government, I trust that the Supreme Court (constituted as it is) would be desirous of acceding to it.

I have, &c.

(signed) *Jⁿ Pearson, A. Gen^l.*

— No. 6. —

LETTER from *E. Molony* to the Board of Revenue, Lower Provinces.

GENTLEMEN,

Fort William, 23d February 1829.

I AM directed by the Right honourable the Governor General in Council to acknowledge the receipt of two Letters from you, dated the 24th ultimo, and 4th instant, and, in reply, to communicate as follows:

2. His Lordship in Council is of opinion, that you should direct the Collectors who are concerned in the foregoing reference to act under the decree of the Supreme Court, and the application of the Receiver thereupon, in the same way as they would act under a similar decree passed by any of the Mofussil Courts.

3. The registry of the names of the complainants, in cases in which portions of Mehals have been awarded to them, will not, of course, exempt the whole estate from the responsibility which, under the Regulations of Government, attached to it for the punctual payment of the public Revenue assessed on it. But your Board will, of course, be prepared to show any reasonable indulgence in respect to time; and should the parties desire to enter into separate engagements for the Revenue chargeable upon their lands, they will apply for a regular Butwarrah.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

4. With regard to the Receiver of the Supreme Court having been vested with the management of the minor's estate, the Governor General in Council is of opinion, that, the jurisdiction of the Court being admitted, the rule which restricted Europeans from holding lands or managing estates in the Mofussil, ought not to be considered applicable to that officer.

5. In regard to the jurisdiction of the Court of Wards as liable to be affected by the case, his Lordship in Council observes, that as the estate is joint undivided property, of which some of the sharers are majors, there can be no reasonable ground to apprehend collision on that score.

6. You are requested to issue to the several Collectors concerned in the present reference, such instructions as you may deem necessary to enable them to act in consonance with the above remarks and orders.

7. His Lordship in Council proposes to take into early consideration the measures to be adopted for the purpose of obviating the inconveniences which are to be apprehended from the present state of the laws and practice of the Court.

I have, &c.

(signed) *E. Molony,*
Dep^y Sect^y to Gov^t.

P.S.—The original Papers which accompanied your Letter, under acknowledgment, are herewith returned.

— No. 7. —

LETTER from Board of Revenue, *Fort William*, to *W. B. Bayley, Esq.*,
Vice-President in Council, &c. &c. &c., *Fort William*.

HONOURABLE SIR,

Sudder Board of Revenue, *Fort William*,
6th March 1829.

WE have the honour to acknowledge the receipt of the orders of the Governor General, conveyed to us in Mr. Deputy Secretary Molony's Letter, dated the 23d ultimo, on the subject of the application of the Receiver of the Supreme Court, submitted for the orders of Government, with our addresses of the 24th of January, and 4th ultimo.

2. In conformity with those instructions, we have directed the local Collectors concerned in that reference to act under the decree of the Supreme Court, and the application of the Receiver thereupon, in the same way as they would act under a similar decree passed by any of the Mofussil Courts, and to register the names of the parties in the manner directed by the decree of the Court; though we may here observe, that no Mofussil Court can, under the provisions of Regulation V., 1827, appoint a manager to an estate, the selection and appointment of whom is, in all cases, vested in the Revenue authorities.

3. But as we are of opinion that great inconvenience is likely to result from the appointment of an European officer of the Supreme Court to collect the public Revenues, and as such officer is not, we conceive, amenable to the Mofussil Courts, or liable to the penalties prescribed for undue exaction of rent, illegal distress, disobedience or resistance of process, or other act in violation of the Regulations prescribed for the realization of the public Revenue, it may, we conceive, have been the intention only of the Supreme Court, that the Receiver should collect the surplus proceeds of the estate, to which the proprietor or proprietors may be entitled in excess of the fixed demand of Government, and which we conceive it probable is the only portion of the assets of the estate to which the decree of the Court is intended to apply.

4. On this point, therefore, we would propose, with the sanction of Government, to apply for further information from the Receiver to the Supreme Court; likewise whether it is proposed to collect the rents by means of Native or European agency; also, to whom the Revenue authorities are to look for payment of the public dues, or to direct any prescribed process in case of default, should it for any reasons be deemed inexpedient to proceed to a sale of the lands in satisfaction of any demand of Government.

We have, &c.

(signed) *W. Blunt.*

— No. 8. —

(Secret Department.)

MINUTE by the Honourable *C. T. Metcalfe*; dated 15 April 1829.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

THE contention which has for some time past been in progress between the Government of Bombay and His Majesty's Court of Judicature at that Presidency, without any apparent prospect of termination, demands the serious consideration of the authorities at home, who may possess the means of rectifying an evil discreditable to our character and dangerous to our power in India.

Discreditable to our character in the estimation of the natives of India as all such dissensions must necessarily be, and dangerous to our power, because inasmuch as that depends on the respect and awe entertained of us by the native population, nothing has so much contributed to confirm those sentiments as a belief in our perfect union among ourselves, and nothing can more certainly tend to shake them than the appearance of discord between our highest authorities.

It is therefore necessary to determine whether, in matters of doubtful dispute, the Government or the Court of Judicature at the several Presidencies shall be supreme; whether the Government must in every case submit to any exercise of judicial power which the Court may assume, or the Court be restrained by the will of the Government, whenever the latter may be sensible of political reasons of sufficient importance to induce its interference, either to resist a new assumption of power, or to suspend the exercise of one doubtful or dangerous, which may have been before admitted.

To me it seems quite clear, that the supreme power ought to rest with the Government; and that in any case in which the exercise of the powers of the Court might be deemed injurious to the safety or welfare of the state, the Government ought to possess authority to suspend the functions of the Court as regarding that particular case, and the Court be bound to acknowledge and abide by the restrictive power of the Government pending a reference to superior authority in England.

The possession of such a power by the Government appears to be the more necessary in cases in which new and doubtful powers are assumed by the Court, such as have never been before exercised, and are disputed and denied by competent interpreters of the law.

In arguing for the possession of restrictive powers by the Government in India over the Court of Judicature, I only propose what, as I conceive, exists in every country in the world; a saving power in the Government for the benefit of the State over all parts of the governing machine, of which the judicial department is one.

There is no danger to the national power in England from an undue stretching of the authority of Courts of Justice. There is no probability there that the Courts can misunderstand their functions; but if there were any chances either of error or of mischief, the Legislature is at hand to restrain or rectify.

What the Legislature is to Courts of Justice in England, the local Government in India ought in reason to be to Courts here; that is temporarily, and until the result of a reference to England can be known. If not so perfect and satisfactory an instrument of control as the Imperial Legislature, it is the best that can be had on the spot. And unless it can be maintained that the Government must submit, whatever may be the consequences, to any extension of jurisdiction that any Court of its own pleasure may assume, it must follow that a provisional and temporary restrictive power ought to be vested in the Government; for it can never be supposed that a disgraceful contest between the two powers, as separate and opposed to each other, ought to be exhibited to conquered India; to excite the anxiety and fears of the well affected, and the hopes and ridicule of the disaffected and hostile.

When such a contest commences, there are no means of stopping it in the present state of relations between the Government and the Court. The Government cannot sacrifice its subjects to an assumption of power which it believes to be illegal. The Court having once declared the assumption to be legal, considers itself interdicted from rejecting any application founded thereon, and from listening to any compromise or suspension of the power. It regards and treats the members of the Government as so many culprits, who are punishable for contempt of the King's Bench. The feelings of the parties become engaged in the quarrel. Each thinks it dishonourable to yield. The Government will not give up its native subjects to laws and jurisdictions to which they have never before been held amenable. The

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Judge conceives that he is supporting the independence of the British Bench, and maintaining a praiseworthy contest against lawless interference. The struggle is interminable, and may be renewed continually by fresh cases involving the disputed point.

At this immense distance from the control of the Mother Country, there surely then ought to exist a local authority vested with power to put a stop to these unseemly contentions. If it can be said with any justice that a Court of Law may push its authority to any extent, and that no apprehension of consequent mischief and danger can justify a Government in refusing obedience, then let it be determined, that the Government must, in all cases, submit to the will of the Court. It would be better that the supremacy of the Court should be acknowledged and known, than that room for contention should remain.

There are, nevertheless, reasons why the supreme power should rest with the Government, and not with the Court.

The political power of a state, exercised by its Legislature, is everywhere superior to the judicial, which is subordinate, performing only the functions conferred on it by the former, which are liable to any modifications that the Legislature may enact.

Against this it may be urged, that the real Legislature of British India is the national Legislature in England, and not the local Government; but, on the other hand, the local Government, performing locally the functions of political administration, approaches nearest to the representation of the distant home Government, while the Judicial Court cannot properly represent the legislative power.

Moreover the occasions on which the Government and the Court are likely to be involved in disputes, are when the Court is extending its own jurisdiction beyond its former limits, that is, assuming powers not before exercised. The check, therefore, ought to be vested elsewhere, for we know from experience that the Court is not likely to check itself; the exercise and extension of power being at all times enticing to human nature.

The Court in such cases may be said to be the aggressor, and the Government on the defensive. It is more equitable, therefore, that the Court should be required to pause, than that the Government should be compelled to submit to new assumptions.

No new assumption by the Court can take place without drawing more within its jurisdiction our native subjects, already amenable to other Courts established for their protection. They can only look to the Government for defence against the exercise of power by an authority to which they have never considered themselves subject. They are entitled to this defence, and the Government ought to have the power of affording it.

The restraining power contended for herein on the part of the Government, should be exerted of course with due consideration and forbearance, and subject to serious responsibility.

If it were deemed inexpedient to confer it on the subordinate Government of each Presidency, it might be confined to the Supreme Government, or the exercise of it by the subordinate Governments might be subject to the confirmation and revision of the Supreme Government; which course would rectify the possible errors of local irritation, without impairing the efficiency of immediate remedy.

Next to the importance of preventing unseemly contention between independent British authorities in this distant region, by conferring somewhere the power of local supremacy pending a reference to England, it is very desirable that the powers to be exercised by His Majesty's Courts of Judicature, that is, the extent of their jurisdiction, should be accurately defined.

Out of the want of clear definition and of general understanding, arise all the disputes which take place; for respecting the acknowledged customary powers of the Courts there are no disputes.

It is unquestionably due to our native subjects, that they should be informed to what Courts and to what laws they are amenable. At present they are amenable to the Courts established in the provinces in which they reside, and subject to a modified code of native laws, both in civil and in criminal matters; but suddenly, by some legal hocus pocus, incomprehensible to them, they find themselves dragged into the jurisdiction of the Court of English Law, armed with tremendous power, from which there is no reprieve, where they are beset by unintelligible forms and bewildering complexities, and ruined by intolerable expense.

It never could have been intended by the British Legislature, that our Indian subjects should be amenable to two sets of Courts and two codes of laws; but such

is now the effect of the gradual extension of the jurisdiction of His Majesty's Courts, some of the steps in which have been imperceptible, or at least unnoticed.

When His Majesty's Supreme Court was first established in Bengal, it was understood that its civil jurisdiction extended to claims against the Company, and against British subjects, and to claims of British subjects against native subjects in cases wherein the latter had agreed to submit to its decision and its criminal jurisdiction, to British subjects, and to persons in the service of the Company, or of any British subject, at the time of the offence.

The establishment of this power, independent of the local Government, was soon followed by disputes, disreputable in their circumstances, and dangerous to the public safety.

The Court had not been long in the exercise of its functions, when it extended its practical jurisdiction indiscriminately to all natives; nothing more being necessary to procure a writ against any of them than an affidavit that the person sued was within the jurisdiction.

The collection of revenue and the administration of justice in the provinces, were obstructed by writs of *habeas corpus*, and prisoners brought up by these writs were set at liberty by the Court.

Neither the Government exercised by the Company, nor that of the Newab of Moorsshedabad, was respected. Both were declared subordinate to the Court. Had the usurped powers of the Court been allowed to proceed without check or opposition, the Government must have been destroyed.

The powers assumed, the pleas by which they were maintained, the tone of self superiority, and of contempt for the local Government, which mark the proceedings of the Court at that time, are remarkably similar to those which appear in the recent proceedings of the Court of Bombay.

The proceedings of the Supreme Court of Bengal having been loudly complained against, its powers were restrained by a subsequent enactment.

Since which, either from a better understanding of the intentions of the Legislature, or from mutual moderation in Governors and Judges, or from the submission of Government to gradual or quiet encroachments, until the present contention at Bombay, there has not been the same degree of misunderstanding and dispute regarding the powers of the King's Courts; but it is evident from what is now passing at that Presidency, and from what has before happened both at Madras and in Bengal, that the seeds of dissension still exist in the undefined condition of the jurisdiction of all the Courts.

The Courts at Madras and Bombay were established at different periods, subsequently to that of the establishment of a Court in Bengal. The Charter of the Madras Court differs in some degree from that of the Calcutta Court, although intended avowedly to confer only the same powers. The Bombay Charter is formed, I presume, on the model of that of Madras.

Besides jurisdiction over all British subjects, the Courts have an acknowledged jurisdiction over native subjects residing within the appointed limits of the several cities designated Presidencies; disputes which have occurred, and are likely to occur, refer to the extent of the Court's jurisdiction over native subjects beyond those limits.

We have seen a native of India, lately a servant of the King of Oude, but residing within the British frontier for refuge, arrested on a false allegation of debt, many hundred miles away from Calcutta, by an officer of the Supreme Court, and placed in the power of his pretended creditor and undoubted enemy, on some legal fiction of his being a constructive inhabitant of Calcutta, in consequence of dealings with parties residing there.

If such a plea brings natives within the jurisdiction of the Supreme Court, there is not a mercantile native residing in any part of India who is not amenable; for all of them have commercial agents or dealings in Calcutta.

To call any one a constructive inhabitant of Calcutta who has never been within many hundred miles of the place, whatever it may be in law, seems an outrage against common sense. And to arrest such a one at that distance by a writ from the Supreme Court, he never dreaming of his liability to such jurisdiction, being at the same time amenable to provincial Courts and provincial laws, must surely be considered as a gross violation of natural justice.

It may be reasonably presumed, that the Legislature did not intend to confer such jurisdiction on the Court; but we know that it has been assumed.

We have seen property seized in the most remote provinces under the Bengal

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Presidency, as the property of a bankrupt firm of Calcutta, and made over wholly to another firm of that place, on a bond; although creditors of the bankrupt firm, and claimants against it, were present in those provinces; although the transactions on which they claimed took place in those provinces; although the property seized was properly their own, never having been paid for; although they were entirely ignorant of the existence of those peculiar laws, which at once took away their property and deprived them of all means and all chance of recovering any part of the debts due to them. The awe of the Supreme Court deterred the local authorities from attempting to maintain the rights of the local creditors. Can any one say that this is justice to our native subjects, or that a Court, a thousand miles distant, ought to possess a jurisdiction so partial to the few, so destructive to the mass?

We recently heard that a native not residing within the Court's jurisdiction, nor amenable to it, according to common understanding, on any other account, was to be tried before the King's Court, on the charge of a crime committed beyond the limits of the jurisdiction, in order to establish the principle, that all natives, notwithstanding those circumstances, might be brought before the Court for trial. I do not know how this matter ended; but if the trial took place, it was certainly a new encroachment, and will form a precedent for further extension of jurisdiction.

We have still more recently had occasion to observe, that landed property in the provinces beyond the limits of the Court's local jurisdiction, is somehow brought within its jurisdiction; that it is decreed away from one party to another, or attached and sequestered at the Court's pleasure; and that European officers of the Court are appointed receivers of the rents, by which the regulations of the Government for the administration of the provinces are set at nought. It is the opinion of the Advocate General, that the Legislature did not intend to confer on the Court the powers thus assumed, but that they have been too long exercised to be now successfully combated.

The instances above mentioned have occurred in the proceedings of the Calcutta Court, where we have undoubtedly able, upright, moderate and conciliatory Judges.

What is here required, is a clear definition of the extent of the Court's jurisdiction with regard to native subjects resident beyond the limits of its local jurisdiction; and it cannot be denied that this definition is necessary, unless it can be affirmed that it is just to expose our native subjects to the operation of sets of laws, and of two independent jurisdictions.

The Court at Madras at one time assumed the power of executing its writs in foreign territories, acted on the assumption, and attempted to justify it by reference to its Charter. This erroneous conception of the Court's powers was reported to England. The opinion of high legal authorities was given against it, and communicated to the Judges at Madras. The pretension has not since been revived; but there is nothing to prevent its renewal, if adopted by any Judges in time present or to come.

The Madras Court has assumed the power of destroying the sovereign rights of the Government, by decreeing to others public Revenues granted by the Company to an individual. The exercise of this assumed power, if unresisted, might alienate in perpetuity the whole of the public Revenue, which, in virtue of its sovereign rights, the Government might grant in assignment, under limitations as to time and persons. Moreover, the sovereign acts of the Government in the disposal of its public Revenue beyond the limits of the Court's local jurisdiction, being once rendered liable to subversion by the fiat of the Court, no security for the Revenue or for the possession of India would remain. A limitation of the Court's powers on this subject, therefore, is also necessary.

At Bombay, the Court has, within my recollection, sent its bailiffs into a foreign territory to seize a subject of a foreign Government. No pretension of this kind, I imagine, could be maintained by any Court; it may therefore be supposed that the act was committed by mistake, owing to false swearing. And it is remarkable, with regard to the proceedings of the King's Courts in India, that any writ, however injurious to the individual affected by it, may be obtained by false swearing. Two persons have only to swear that a native is liable to the Court's jurisdiction, and he may be dragged to the Presidency from his home, distant a thousand miles, in a country and climate extremely different, although he be not in the slightest degree by law amenable to the Court's jurisdiction. This matter, in justice to our native subjects, certainly demands a remedy. Such are the forms or practice of the Court, that its most questionable powers, prior to trial, may be wielded with

all their irresistibility at the discretion of the attornies, with little or no check, or even knowledge, on the part of the Judges.

One of the powers recently assumed by the Court at Bombay is that of releasing native convicts, condemned according to law by the Provincial Courts. This power being assumed, it is only necessary that one or two persons swear that such a one is illegally confined, and forthwith issues a writ of *habeas corpus*, addressed to the magistrate of the district, or the gaoler or some officer of the Provincial Court, ordering the bringing up of the convict before the King's Court. The return that he has been sentenced to imprisonment by the Provincial Court is not deemed sufficient. The King's Court does not recognize the existence of any right in the Provincial Court to punish. It professes to know nothing of the powers of such a Court. The Provincial Court itself must come to trial. It must be proved to the satisfaction of His Majesty's Justices that such a Court exists and has power to punish, and that the Government has the right to institute such a Court ; else, without further ceremony, and as a matter of course, the prisoner is released.

The exercise of this power by the King's Court, with regard to prisoners sentenced by the judicial Courts established throughout the interior of British India, seems to be quite incompatible with the independent existence of those Courts. Either the King's Courts ought to be restrained from interfering with separate judicial institutions which they cannot efficiently control, or they ought to be connected and blended with those institutions in one united establishment for the due administration of justice. Their interference at present is neither necessary for justice, nor, if necessary for that purpose, could it be effectual, under the present system, over the immediate extent of territory subject to the provincial Courts. It must now tend to produce mischievous counteraction, to bring into contempt the local Government and its judicial institutions, and to impair the administration of justice.

Similar powers were assumed by the King's Court when first established in Bengal. Prisoners of the Provincial Courts were then brought up in like manner by writs of *habeas corpus*, and released. But since the powers of the Court were restrained, the practice has ceased, and its assumption by the Court at Bombay does not profess to be founded on those precedents.

Another power assumed by the King's Court at Bombay, but resisted by the Government at that Presidency, is that of taking native wards out of the hands of their guardians, and bringing them to the Presidency, to be disposed of at the pleasure of the King's Court ; neither the wards nor their guardians being subject to its ordinary jurisdiction.

If the Court possess this power legally, there is not a ward in British India whose affairs may not be brought within its jurisdiction. Interested parties have only to swear that the ward is illegally detained by his guardian. The whole native property of our dominions may successively be drawn into the Chancery of the King's Court ; the Court all the while acknowledging that its ordinary jurisdiction does not extend over the parties. What is the difference whether the jurisdiction be called ordinary or extraordinary, if it be assumed and exercised ? If it had been intended that the natives of India and their property should be liable to the jurisdiction of the King's Court, they would not, it may be presumed, have been placed under a separate jurisdiction.

Every power exercised or assumed by the King's Court, or any other, is of course professedly and intentionally for the purpose of rendering justice or redressing a grievance ; but it seems to be forgotten that an extension of jurisdiction over those not before amenable to it may be oppression instead of justice.

According to the present practice of the King's Courts, a native of the snowy mountains of Himala, not amenable to the Court's jurisdiction, and utterly unconscious of the existence of such a Court, may be dragged a distance of 800 miles or more, to the swamps and jungles and stifling heat of Bengal, merely to show that he is not amenable to jurisdiction, and go back again, fortunate if his plea be admitted, and if he do not perish from the contrast of climate.

If it be deemed really necessary that our native subjects, without regard to distance of residences, should be amenable to the Court of English Law, rules ought to be framed to let them know clearly that they are so, or how they may become so.

But it ought never to be that the jurisdiction should remain undefined, and subject to unlimited extension at the pleasure of the Judges.

Who does not know that it is natural to human frailty to seek an increase of power ? The Judges are generally well disposed to extend their jurisdiction. The

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

barristers and attornies of the Court have the strongest inducements of personal interest to urge the extension, as their profit and their livelihood depend on their quantity of business brought within the jurisdiction. In reason the Court ought not to have the power of determining its own jurisdiction; yet it holds its power in this respect to be absolute and indisputable.

There is at present a single Judge on the bench at Bombay. Whatever powers he may assume and exercise, he holds obedience to be due to his will as the law. The united opinions of all the Judges of the Calcutta Court, all the Judges of the Madras Court, and all the barristers of all the three Courts, would be of no avail against his single will. He is the only interpreter of the law in his own Court, and his opinion, even if against that of all the world besides, and although leading to the extension of his own powers, is to have despotic force, and to affect the condition of millions in the most important concerns of mortal life.

It is surely then necessary that the law should be so defined as to be universally understood, and as free as distinctness can make it from the possibility of mis-interpretation.

It appears to me, from the foregoing statements and considerations, to be established, 1st. That it is necessary distinctly to define the jurisdiction of the King's Courts with regard to native subjects; 2d. That a supreme power, to prevent protracted disputes and collision between the Governments and the Courts in doubtful cases, ought to be vested either in the Governments or the Courts, and preferably in the former.

Before I submit in detail the suggestions which occur to me, with a view to those objects, I will venture to offer some remarks as to the jurisdiction actually possessed by the King's Courts under existing enactments and charters.

As there are differences of opinion on this question among Judges and barristers learned in the law, it may seem presumptuous in one who has no pretensions to legal knowledge to form any opinion on the subject. But it rather appears to me, that there is from that circumstance encouragement for an unlearned man to seek the truth under the guidance of common sense, since it is manifest that there must be error, one way or the other, in the maze of technicality.

Sense and meaning are at the bottom of all legislation, however difficult it may subsequently be to discover them in the entanglements of professional language.

It seems to me, then, after an attentive perusal of the Acts and Charters relating to the Courts of Calcutta, Madras and Bombay, combining the whole series of legislation on this subject, that the intention of the Legislature is clear and distinct.

According to this, I should say, that the jurisdiction of the Supreme Court extends over the following classes :

1. British subjects throughout India, in all matters civil or criminal; by the British subjects wherever it is used in the enactments and Charters, Native subjects are evidently meant to be excluded.

2. The inhabitants of Calcutta, Madras and Bombay, within fixed limits, whether natives or others, in all matters civil or criminal, but natives in some civil matters to have justice administered according to Hindoo or Mahometan law.

3. Native subjects, servants of the Company, or of any British subject, for acts committed as such, with limitations in certain civil matters.

4. Native subjects, in civil matters, for transaction in which they have bound themselves by bond to be amenable to the King's Court.

All natives not included in either of the three classes above mentioned, seem to be exempt from the jurisdiction of the King's Court. If they are not so, it would be useless to specify those who are amenable. If not exempt, they would be more generally amenable than the inhabitants of Calcutta, Madras or Bombay, and the other classes of natives specified, because in that case they would be amenable without limitations, not being included in those classes for whom limitations are provided. It is quite clear that this could not have been intended, and the only alternative is, that they are exempt, which appears to be the design of the Legislature.

Of the four classes above specified, as amenable to the King's Courts, the law seems sufficiently distinct regarding three.

There is no doubt that all British subjects are in every respect amenable, with certain specified exceptions.

There is no doubt that the law makes amenable for wrongs and trespasses native subjects in the service of The King or Company, or of British subjects, and generally in all criminal matters also.

There

There is no doubt that native subjects are made amenable by the law in civil transactions in which they bind themselves to be so.

There is no doubt that native subjects, inhabitants of Calcutta, Madras and Bombay, are amenable; but with regard to this class, the powers of the Courts ought to be defined; for no native, after proceedings which have taken place, can feel secure that he may be converted into an inhabitant of either of those Presidencies by some legal legerdemain, although he may never have been within a thousand miles distance of the place; and there is no property in any part of British India that may not, by the extended construction apparently put on the law, be brought within the grasp of the King's Court. A distinct definition of the meaning intended by the Legislature to attach to the term inhabitant, would relieve our native subjects from much uncertainty and alarm which now prevail, from apprehension of their being made liable to the process of the Court.

The Court at Bombay draws a distinction between ordinary and extraordinary jurisdiction, and on the ground of the latter claims unlimited jurisdiction over all native subjects within the territories subject to Bombay.

This claim seems to be founded on that part of the Charter of the Court which grants jurisdiction in the following terms:

"The Court invested with a jurisdiction similar to the jurisdiction of the King's Bench in England."

The above is the marginal note. The text is as follows:

"And it is our further will and pleasure, that the said Chief Justices shall severally and respectively be, and they are, all and every of them, hereby appointed to be Justices and Conservators of the Peace, and Coroners within and throughout the settlement of Bombay, and the town and island of Bombay, and the limits thereof, and the factories subordinate thereto, and all the territories which now are or hereafter may be subject to or dependent upon the Government of Bombay aforesaid, and to have such jurisdiction and authority as our Justices of our Court of King's Bench have and may lawfully exercise within that part of Great Britain called England, as far as circumstances will admit."

This paragraph describes the nature of the Court's jurisdiction, but does not define the persons over whom it extends. If all in the Charter relating to the Court's jurisdiction were contained in that paragraph, there could be no doubt that the intent of the Charter must have been to confer a jurisdiction similar to the jurisdiction of the King's Bench over all the territories of Bombay; but, taken with the other contents of the Charter, it seems equally clear to me, that the jurisdiction thus granted is only to be exercised over those who are declared to be subject to it. I proceed to that part of the Charter which defines the jurisdiction.

"The jurisdiction of the Court defined:

"And we do further direct, ordain and appoint, that the jurisdiction, powers and authorities of the said Supreme Court of Judicature at Bombay shall extend to all such persons as have been hereinbefore described and distinguished in our Charter of Justice for Bombay by the appellation of British subjects, who shall reside within any of the factories subject to or dependent upon the Government of Bombay, and that the said Court shall be competent and effectual, and shall have full power and authority to hear and determine all suits and actions whatsoever against any of our said subjects, arising in territories subject to or dependent upon, or which hereafter shall be subject to or dependent upon the said Government, or within any of the dominions of the Native Princes of India in allowance with the said Government, or against any person or persons who, at the time when the cause of action shall have arisen, shall have been employed by, or shall have been, directly or indirectly, in the service of the said United Company, or any of the subjects of Us, Our heirs or successors; and the said Court, hereby established, shall have like power and authority to hear, try and determine all and all manner of civil suits and actions, which, by the authority of any Act or Acts of Parliament, might have been heard, tried or determined by the said Mayor's Court at Bombay aforesaid, or which may now be heard, tried or determined by the said Court of the Recorder of Bombay; and all powers, authorities and jurisdictions, of what kind or nature soever, which, by any Act or Acts of Parliament, may be or are directed to be exercised by the said Mayor's Court, or by the said Court of the Recorder of Bombay, shall and may be as fully and effectually exercised by the said Supreme Court of Judicature at Bombay, as the same might have been exercised and enjoyed by the said Mayor's Court, or by the said Court of the Recorder at Bombay."

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

It would be tedious to repeat the technical language of every section of the Charter regarding the jurisdiction. The next section to the one above quoted defines the jurisdiction as to the inhabitants of Bombay. All suits and actions brought against the inhabitants of Bombay to be determined by the Court; but in the cases of "Mahometans or Gentoos," their inheritance and succession to lands, rents and goods, and all matters of contract and dealing between party and party, to be determined by their respective laws and usages, or by such laws and usages as the same would have been determined by in a native Court; and when one of the parties shall be Mahometan or Gentoos, by the laws and usages of the defendant. In all suits to be determined by the laws and usages of the natives, the Court is to make such rules and orders for the conduct of the same, and to frame such process for the execution of judgments, sentences or decrees, as shall be most consonant to the religion and manners of the natives and their respective laws and usages. The same with regard to compelling the appearance of witnesses, and taking their examination, so that all suits may be conducted with as much ease and as little expense as shall be consistent with the attainment of substantial justice.

I will here pause to ask, if it was intended, as assumed by the Court at Bombay, to grant jurisdiction similar to that of the King's Bench over all native subjects under the Bombay Government, why was the jurisdiction of the Court defined and limited? If it was intended that the native inhabitants of the whole territory should be liable to the jurisdiction, why were the native inhabitants of Bombay specified? When so much care was taken to secure to the native inhabitants of Bombay, made liable to the jurisdiction, the benefit of their laws and usages, why was not the same privilege specifically extended to the inhabitants of the provinces, if it was not clearly intended to exclude them from the jurisdiction?

The Charter contains other limitations and restrictions regarding the jurisdiction of the Court over natives.

It specifies that no person shall be subject to the jurisdiction of the Court by reason of being a land-holder or land-owner, or farmer of land or of land-rent, &c. &c. It is unnecessary to detail all the specifications.

It may be asked, why it has been thought necessary specifically to exempt those persons? The cause is, that when the Supreme Court was first established in Bengal, the Judges chose to consider the persons so described as subject to the jurisdiction, on the plea of being servants of the Company. In order to correct this error, and rectify the mischief which had arisen and was sure always to arise from it, the declaration for their exemption was passed by the Legislature, not to exempt them from a jurisdiction to which native subjects generally were liable, but to prevent their being subjected on an erroneous pretence to a jurisdiction from which native subjects generally were free.

The character of this exemption and the circumstances which led to it are strong corroborations of the general freedom of native subjects from the jurisdiction.

Further, care is taken in the Charter to prevent those who, by reason of being servants of the Company or of British subjects, are liable to the jurisdiction, from subjection to it in any unnecessary manner or degree. Thus natives of this class having been previously by specific enactment brought under the jurisdiction, are again exempted from it, except in special cases; it being provided that they "shall not become subject to the jurisdiction of the Court in any matter of inheritance or succession to goods or lands, or in any matter of dealing or contract between party and party, except in action for wrongs or trespasses only."

What has been extracted from the Charter is sufficient to show that only certain classes of native subjects are liable to the jurisdiction of the King's Court, and that for all who are liable care is taken to secure the enjoyment of their own laws and usages.

Is it possible then to suppose, that by any part of the Charter it was intended to grant powers to the Court which should completely nullify all the limitations and restrictions specifically imposed, render nugatory the protection granted to native subjects, and overthrow or bring into contempt the whole system of civil and criminal jurisprudence established for the administration of justice to our native subjects beyond the limits of the Court's local jurisdiction?

To me it seems impossible that the Charter was ever designed to confer such powers; and this opinion is corroborated by the preamble to the Charter, wherein it is stated that the jurisdiction of the Court, both as to native and British subjects, is to be subject to the same limitations, restrictions and control as the Supreme Court at Fort William is subject to; which can only, I conceive, mean, that the limitations,

limitations, restrictions and control subsequently specified, and similar to those previously established in the Court at Fort William, are to be valid and binding; for if they are not, of what use are they? Is it likely that His Majesty, from whose royal authority the Charter issues, under authority from the Legislature, would have treated the natives of India with tantalization and ridicule, by granting them protection against the Court in one part of the Charter, and rendering it utterly void in another?

I have perused the Charter with attention, and the impression which it leaves on my mind is, that all the powers which it grants are given both with reference to the limitations and restrictions that it specifies. But if the technical language of the Charter be unintelligible to an unlearned man; if there be a hidden meaning which the learned alone can apprehend, giving unlimited unrestricted power, notwithstanding all the limitations and restrictions specified, then I would observe, that the King's Charter can only give what is authorized by a previous enactment of the Legislature. Unless, therefore, the powers claimed by the Court at Bombay, under the supposition that they are granted by the Charter, are conferred by some act of the Legislature, they are illegal, and consequently null and void.

I do not mean to admit that powers really are granted by the Charters which are not confirmed by the Legislature; on the contrary, I maintain the reverse. But if it be asserted that the powers claimed are given by the Charters, still they are illegal, unless it can be shown that they are consistent with the statutes. No powers granted by the Charters can abolish the restrictions fixed by the Legislature.

Those powers do not appear to be granted by any Act. As far as the intention of the Legislature can be understood from the enactments bearing on this subject, the jurisdiction of the King's Courts with regard to native subjects is strictly limited to certain specific classes.

The Charter of the Court in Bengal grants jurisdiction similar to that of the King's Bench, as well as the Bombay Charter. The Bengal Charter is founded on the 13th Geo. III., ch. 63, sec. 13, &c., which says nothing of that peculiar jurisdiction, but limits and defines the powers of the Court as to native subjects.

But the Court having misunderstood and exceeded its powers with regard to natives, a new enactment took place in sec. 9, ch. 70, 21st Geo. III., for removing all doubts concerning the persons subject to the jurisdiction of the said Supreme Court, by which it was enacted that persons, by reason of being land-owners, land-holders, farmers of land or land-rent, and other classes specified, should not be subject, that is, should not on that account be considered as servants of the Company, on which ground they had before been made amenable by the Court.

The same Act specifically gives jurisdiction to the Court over all the inhabitants of the city of Calcutta.

The Acts and Charters establishing the Courts at Madras and Bombay are similar to those which relate to the Court of Calcutta, with some differences immaterial as to the question now under discussion.

From the preceding details it appears to me to be established, that the jurisdiction of the Courts is limited by specific restrictions, and that they do not possess any extraordinary extended jurisdiction independent of the limitations prescribed by the Legislature.

Since writing the preceding, I have seen extracts from the opinion on this subject delivered from the bench by the Judge who now singly presides in the Bombay Court.

If I understand that opinion accurately, the learned Judge maintains that all the limitations and restrictions of jurisdiction contained in the Charter refer solely to civil jurisdiction, and that the criminal jurisdiction of the King's Court extends universally over all the inhabitants of the territory subject to the Presidency to which the Court may belong.

This interpretation of the law, if correct, seems at least to be new, for it has generally been understood that the jurisdiction of the Court in criminal matters is restricted with regard to natives; and the extension of the powers of the Court beyond its local limits, whenever so extended with regard to natives, has hitherto been defended on some plea that sought to bring them within the limitation of the jurisdiction.

It appears to me that that part of the Charter in which the jurisdiction of the Court is expressly defined, under this heading, "Jurisdiction of the Court defined," does not define the limitations and restrictions of the jurisdiction with regard to civil jurisdiction alone, but generally with regard to jurisdiction criminal as well as

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

civil. After saying generally that the jurisdiction, powers and authorities of the Court shall extend to all British subjects, it proceeds to give power to hear and determine all suits and actions whatsoever, (therein, I presume, including criminal actions,) against British subjects and natives in the service of the Company. It goes on to give power to hear, try and determine all civil actions (herein excluding all criminal actions) which might before have been tried by the Mayor's Court or Recorder's Court; it next confers all powers, authorities and jurisdictions formerly exercised by those Courts; and then gives power to hear and determine all suits and actions (including, I presume, criminal) against the inhabitants of Bombay.

It also appears in another part of the Charter, that the criminal jurisdiction of the Court is expressly limited to the "town and island of Bombay, and the limits thereof, and the factories subordinate thereto;" which criminal jurisdiction is specially extended, as respects British subjects, to acts committed either in the territories of Bombay or in the dominion of allied Native Princes; and this specific extension of it to British subjects beyond the local limits, seems clearly to exclude natives not within those limits. Such also has been the practical operation of the criminal jurisdiction of the Court hitherto.

If the judgment of the Judge at Bombay be right, all practice hitherto has been wrong; and it becomes the more necessary for the Legislature to determine what really is right. We cannot, in justice to our native subjects, leave them liable to two independent jurisdictions, or ignorant of what jurisdiction they are amenable to.

It is curious to observe how this claim to universal criminal jurisdiction has commenced its operation; the Judge who asserts it admitting at the same time that the civil jurisdiction of the Court, with regard to natives, is limited. The operation of this claimed criminal jurisdiction, is to drag a ward from the protection or control of his guardian, and bring the ward and his affairs into Court. There is not an estate belonging to any minor, throughout all India, that might not by this sort of criminal jurisdiction, be swallowed up by the officers and practitioners of the King's Court.

Enough, I trust, has been said to show that we are bound in duty to give to our native Indian subjects greater certainty as to the jurisdiction to which they are amenable, and greater security against liability to two independent jurisdictions, than they now enjoy.

With a view to promote this object, I shall proceed to submit for consideration two schemes for the regulation of the jurisdiction of the King's Courts in India; one to explain and define it, under a supposition, that the Legislature has always regarded the King's Court as having general jurisdiction, with regard to British subjects, but with regard to natives, a jurisdiction limited according to classes and locality; the other to amalgamate the King's Courts with the Provincial Courts of Judicature, in the case of its being deemed expedient to abolish the existence of separate and independent jurisdictions for different classes of subjects.

With reference to the first of these suppositions, the jurisdiction of the King's Court regarding British subjects, as at present understood, does not absolutely need alteration. They are liable universally to both civil and criminal jurisdiction. Only, as to acts committed in the territories of Native Princes, it ought to be declared, in order to prevent the recurrence of such a claim as was once set up by the Madras Court, that the Courts "have no legal authority to cause writs or process of any kind, issued against European born British subjects, or natives of the British territories in the service of the East India Company, to be executed by arrest of persons, seizure of property, or any other compulsory method within the dominions of Native Princes in alliance with the British Government in India." This was the opinion given by His Majesty's Attorney General (the late Lord Gifford), His Majesty's Solicitor General (the present Lord Chancellor), and the Honourable Company's Solicitor, Mr. Bosanquet, when called on in consequence of the Madras Court.

The jurisdiction as to natives in the Company's service seems sufficiently defined, and may remain as it is. It is hard on natives in the Company's service, that they should be amenable to two independent jurisdictions, and not obviously necessary; but as the Legislature has declared them to be subject to the jurisdiction of the King's Court, under certain limitations as to civil suits, the case is clear, and the exercise of the power is not open to dispute.

With respect also to natives in civil actions, regarding transactions in which they have bound themselves to be amenable to the Court, there is no room to doubt.

But

But it will be necessary to define more clearly the jurisdiction over the natives, inhabitants of Calcutta, Madras and Bombay, that is, over natives residing within the limits of the local jurisdiction of the Court at each Presidency.

Actual inhabitants within those limits must of course be considered fully amenable in both civil and criminal matters, with the privileges nevertheless, as to their own laws and usages, provided by the enactments of the Legislature and the Charters of the Courts.

Persons residing elsewhere, who may formerly have resided within the local limits, must be amenable for acts committed during their residence within the limits, but ought not to be so for acts committed within the jurisdiction of the Provincial Courts, or elsewhere beyond the limits of the Royal Court's jurisdiction.

Persons who have never resided within the limits ought not to be liable to arrest, nor generally amenable to the Court's jurisdiction, on the plea of being inhabitants, on account of transactions of a pecuniary nature within the limits in which they may be said to have been concerned. Nevertheless, for pecuniary transactions on their behalf within the limits, any property within the limits, which such persons may possess, ought to be liable; due notice being given of any suit, in order that the party concerned may answer to it at his option, or allow it to be decided on the evidence of the plaintiff. But property beyond the limits ought not, I conceive, in such cases to be liable to the Court's jurisdiction; it being, nevertheless, liable to the jurisdiction of the provinces in which it may be situated, for transactions within the jurisdiction of the King's Court.

The liability of persons and property, with respect to jurisdiction, ought generally, I conceive, to be determined by residence and locality. The course sometimes pursued by the King's Court would set such a consideration at defiance. We have seen, as before mentioned, a man arrested as an inhabitant of Calcutta, at a distance of seven or eight hundred miles, who never, perhaps, had been much nearer, and certainly never had been an inhabitant, for a matter of some curiosity sent to him from Calcutta by the party who caused and superintended his arrest, on the plea that he was an inhabitant of Calcutta, in consequence of having property, and employing agents in commercial dealings. It seems absolutely necessary that our native subjects should be protected against such proceedings; for which purpose I have proposed the restrictions above stated.

With respect to the property of persons, British subjects or others, by law fully amenable to the King's Court, their property, wherever situated within the British territories, must, I conclude, be liable; but the process of the Court regarding such property ought not to be executed by its own officers, but by the local Magistrate; and rules ought to be made to preclude the officers of the King's Court from proceeding beyond its local limits, and to make the local Magistrates its instruments for carrying into effect its lawful orders, regarding persons or property liable to its jurisdiction, although residing or situated beyond the local limits thereof. The sending of the officers of the King's Court into districts where there is another jurisdiction, is useless in itself, and attended with considerable inconvenience and mischief, by causing the appearance of a double jurisdiction.

No native ought to be dragged from a distance to show whether he is or is not liable to the jurisdiction of the King's Court. It is a grievous oppression that persons not subject to the jurisdiction may be arrested and brought before the Court from any distance before they can show that they are not amenable. This evil might be remedied by making the local Magistrate in each district the channel of executing the Court's writs, and by giving him power to submit the excuses of any native denying the jurisdiction, and to try and report on the question of jurisdiction on the spot, under the Court's orders, abiding, nevertheless, by the Court's decision on his report.

The decrees or writs of the King's Court ought not, beyond its own local jurisdiction, to interfere with the previous decrees of the Provincial or District Court of any other local jurisdiction; as such interference must have the effect of bringing the local jurisdiction, and the authority from which it emanates, into contempt. Of course, no decrees of the local jurisdiction can set aside those of the King's Court previously issued, if directed against persons legally amenable.

It ought to be the duty of local authorities to bring to the notice of Government any instance within their jurisdiction of act of encroachment by the King's Court beyond its known and acknowledged powers. The Government, if it entertain the same opinion, ought to have the power of calling the attention of the King's Court to the subject, either through the Advocate General or some other channel. The

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Court ought to be bound to listen to the reference, and explain the grounds of its proceedings; and if the Government should notwithstanding remain convinced of the illegality of the supposed extension of the Court's powers, it ought to have the right to appeal to The King in Council, or other competent tribunal, and in a case which it may judge to be of sufficient importance, the power of arresting the progress of the encroachment pending the result of the appeal.

The powers recently claimed by the King's Court at Bombay, but more generally supposed not to have been intended by the Legislature, ought to be distinctly denied, and a clear definition made of all the powers to be exercised and enjoyed by the King's Court.

The rules and provisions herein proposed, would, I trust, afford that protection to our native subjects which we are bound to give them against uncertainty of jurisdiction and undefined extension of the powers of Courts to which they are not supposed to be amenable.

There is another portion of our subjects, partly of European and partly of Asiatic extraction, commonly called East Indians, whose situation is peculiar. The law regards them as natives; but in religion, education, language and habits, they assimilate with British subjects.

At present the East Indians are, as natives, subject to the jurisdiction within the limits of which they reside. With regard to civil suits and minor criminal offences, not subject to severe or lengthened punishment, this arrangement seems unobjectionable; but with regard to capital crimes, or such as are liable to exemplary punishment, I am of opinion that they ought to be put on the same footing as British subjects; and to prevent confusion, this might be done generally as to criminal jurisdiction.

The criminal law in force in our provincial judicature, although modified by our regulations, is mainly Mahometan. That Christian Judges should try Hindoo prisoners according to Mahometan law, seems sufficiently absurd; but that Christian Judges of British blood should try Christians of British extraction by Mahometan law, seems, if possible, still more strange; and therefore I think that it would be better if East Indians, as to criminal jurisdiction, were put on the footing of British subjects.

I am also of opinion, that for property situated beyond the limits of the local jurisdiction of the King's Court, British subjects ought to be liable in civil suits to the jurisdiction of the Courts of Judicature established in the provinces, with regard to transactions committed within that jurisdiction, without any impediment to their full subjection to the jurisdiction of the King's Court. In other words, that all property and transactions should be liable to the jurisdiction within which they may be situated or performed.

I have said all that at present occurs to me, regarding the regulations of that state of jurisdiction in India, as to the King's Courts, which is at present supposed to exist, according to the provisions of the Legislature. I now proceed to advert to the supposition of a change, by which the judicature of India, instead of being divided into separate and independent jurisdictions, might be amalgamated in one.

Such a change, when judged fit, it will be best to introduce gradually.

The connection between the two jurisdictions might in the first instance be established by making His Majesty's Supreme Court at each Presidency the highest Court in civil and criminal judicature for all the territories of such Presidency; that is, what the Sudder Dewanny and Nizamut Adawlut is now.

In that case, the Sudder Adawlut at each Presidency might be abolished; and its judicial duties transferred to the Supreme Court, with such modifications as might be requisite.

It would then be proper that the selection of Judges for the Supreme Court should be partly, as at present, from barristers of the English, Irish, or Indian bar, and partly from Judges practised in the judicature of India, and acquainted with the language, laws, and usages of the natives.

It is surprising that a knowledge of any language spoken by the natives has never been considered a necessary qualification for a Judge on the bench of a King's Court in India. There has consequently scarcely ever been an instance of its being in the power of a Judge to understand what is said by the native witnesses and prisoners; and this defect generally extends to the barristers and officers of the Court, as well as to the Judges.

Supposing a Supreme Court to be constituted as above suggested, much of the duties which the King's Court has now to perform, might be transferred to an inferior

inferior Court at each Presidency, the more important duties being retained in the Supreme Court.

The jurisdiction and powers of the Supreme Court might be exercised every where through local Courts and authorities.

At first the local Courts would have no more power or jurisdiction over British subjects than they possess at present; but as occasion might arise, from time to time, for extending their powers, authority ought to be vested in the Supreme Government in concert with the Supreme Court, under the control of the Legislature, for conferring such powers as might be necessary for the due administration of justice, and for modifying and regulating the jurisdiction, practice and proceedings of these Courts, as might be most expedient, securing to British subjects, as much as possible, the enjoyment of their own laws, and always the right of trial by jury in criminal cases, and extending the same right to native subjects as soon as it could be done with the prospect of benefit; securing to them also their own laws and usages; and when, in contention between two parties of different persuasions, any doubtful point should turn on the difference of laws, the preference might be given to those of the defendant.

It would be presumptuous in me to attempt to describe all the subsidiary alterations that might, in process of time, follow the change proposed. All that I aim at is, to convey the impression that such a change, if ever deemed desirable, might be effected by a gradual introduction of improvement, without the convulsive destruction of that system of judicature to which our native subjects are accustomed.

I proposed to record this Minute in the Secret Department, on account of the delicate nature of the discussion which it embraces.

Its main purpose is to invite attention to the necessity of defining distinctly the powers to be exercised by the King's Courts with regard to native subjects, and of vesting in some authority in India, power to prevent the occurrence or stop the progress of any dispute, on a doubtful question, between the Governments and the Courts at the several Presidencies, pending a reference to England for final decision.

15 April 1829.

(signed) C. T. Metcalfe.

— No. 9. —

:(Secret Department.)

MINUTE by the Honourable C. T. Metcalfe; dated 2 May 1829.

THE immediate cause of the difference between the Government of Bombay and His Majesty's Court of Judicature at that Presidency has been the issuing of certain writs of *habeas corpus*.

The writ in one case was addressed to persons in the service of the Company, and therefore subject to the Court's jurisdiction. In another case to a native, not liable to the jurisdiction, according to the belief hitherto generally entertained.

This difference between the writs has not influenced the proceedings either of the Government or of the Court of Bombay.

The Government has rested its opposition on political grounds, without reference to the comparative legality of the Court's proceedings in the two cases.

The Court, on the other hand, has declared that it derives its power equally, in both cases, from the same clause of its Charter, and that if it does not possess the power in both cases, it does not in either.

To those, however, who believe that the grant of the powers of the Court of King's Bench is with reference to the limitations imposed on jurisdiction, and not independent thereof, there must appear a considerable difference between the two writs.

In this view of the case, a writ of *habeas corpus*, addressed to any person, Native or European, in the Company's service, must seem to be legal, and within the competence of the Court, however inconvenient and mischievous its operation may be, while a similar writ addressed to a native not subject to the ordinary jurisdiction must be considered illegal, and of course beyond the Court's power.

With regard to the last species of jurisdiction claimed now, it is supposed for the first time, I have ventured before to observe, that its existence is incompatible with the preservation of that separate jurisdiction of the Company's Courts which has hitherto prevailed without question, and that it would be extremely unjust to subject

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

the natives to two jurisdictions and two codes of laws. Unless, therefore, it be intended to establish the King's Court universally and exclusively, the extended jurisdiction now asserted ought to be prohibited by the Legislature.

My present object in adding a few remarks to my former Minute, is to bring under consideration the necessity of regulating the exercise of the power supposed to reside in the King's Courts, of issuing writs of *habeas corpus* addressed to persons liable to the jurisdiction, when that power is exercised in behalf of the convicts duly tried and condemned in the Company's Courts, or of state prisoners detained for the public safety.

The Legislature cannot have intended that the King's Courts should throw open all the provincial gaols, and release all the prisoners sentenced by the Company's Courts; and it is quite clear that the exercise of such a power would effectually destroy good order in the Company's territories, and render its Courts utterly useless and contemptible.

Admitting that the King's Courts do possess the power of issuing writs of *habeas corpus* to persons liable to their jurisdiction, as no provision has been made for securing the jurisdiction of the Company's Courts against violation by that process, it is fair to conclude, that the possibility of such a collision has been overlooked by the Legislature.

The proceedings of His Majesty's Court of Bombay have now shown that it is necessary to guard against this evil.

The remedy is simple and easy. It is only necessary to declare on the part of the Legislature, that a statement describing the prisoners as duly convicted after trial, or as detained for trial by the Court to whose jurisdiction they are liable, shall be good and sufficient return to a writ issued under such circumstances.

The same power which the Court at Bombay has exercised with regard to convicted criminals might be assumed; I know nothing to prevent it with respect to state prisoners; yet it is impossible that the Government, responsible for the public safety, could allow its state prisoners to be released. Supposing, therefore, a writ to be issued for bringing up the body of a state prisoner, a statement setting forth that he is confined as a state prisoner by order of the Government ought to be declared a sufficient return; and unless this be done, it seems most probable that a dispute will some day break out between the Government and the Court, in consequence of a writ of *habeas corpus* to release a state prisoner.

This is a method recently brought to notice, by which the jurisdiction of the King's Courts is extended, contrary to the evident intentions of the Legislature, and with grievous injury to native subjects not properly liable to their jurisdiction.

It consists in this: if a native succeeds to property within the Court's jurisdiction, to which he has never before been liable, he must take out a probate from the Court in order to enable him to obtain possession. So far is unobjectionable; but by so doing, he is made liable to the Court's jurisdiction, not with regard to that property alone, which would be right and just, but with regard to all property, wherever situated, although many hundred miles beyond the Court's jurisdiction.

This is the law as laid down by the Court at Madras.

The story of the Nawaub of Masulipatam is a sample of its practical effect. The Nawaub of Masulipatam and his family, residing 200 miles or more from Madras, were exempt from the jurisdiction of the King's Court. The old Nawaub died, leaving, besides his property situated beyond the Court's jurisdiction, a sum in the Company's Funds, which being within the jurisdiction could not be paid to any of his heirs without probate from the Court. This was taken out by the eldest son, the present Nawaub, who in consequence became fully liable to the jurisdiction. Various suits have been entered against him. They are not determined; but he is already ruined, and unable to pay the expenses of a tribunal into which he has been dragged without being conscious of his liability.

It is thus that the extension of the jurisdiction of the King's Court in India goes on increasing by the mere will of the Judges, without regard to the right and interests of our native subjects, whom it was manifestly the intention of the Legislature to exempt from that jurisdiction.

The remedy in cases of this kind seems obvious, and without difficulty. It is only to declare by a legislative enactment, that native subjects not liable to the jurisdiction of the King's Court, shall not become so in consequence of taking out a probate, except for that property alone for which they have recourse unavoidably to the Court's jurisdiction.

2 May 1829.

(signed) C. T. Metcalfe.

— No. 10. —

NOTE by Mr. *Holt Mackenzie*.

THE apprehensions of inconvenience from the interference of the Supreme Court with landed property in the interior of the country, seem to me to be somewhat exaggerated ; and in the cases which have occurred, the trouble experienced would, I think, have been for the most part avoided, had the officers concerned possessed the information which a short experience will doubtless give. Still it seems to be certain, that without a complete and well-regulated concurrence of the two authorities, considerable inconvenience may be experienced ; and if our officers have much to amend before their proceedings can secure the approval of men accustomed to the law of England, or can satisfy the just expectations of the people of India, it seems to be almost equally certain, that the King's Courts must be prepared to modify their forms and process with a liberal consideration of local peculiarities, if they would really render the extension of their jurisdiction a benefit to the country. Indeed, even in England the necessity of pretty extensive changes seems now to be generally recognized ; and here we have of course none of those prepossessions in favour of the institutions of our country, which may there render it unadvisable to discard ancient usages, even when opposed to reason. We may be pretty sure that the prejudices of the people against any rules borrowed from the English code (if I may use a word which rather reminds us of what we have not, than describes what we have,) will be vanquished with facility in proportion as that which we desire to introduce bears the character of simplicity and truth.

The time seems to be favourable for the attempt to amend what is inconvenient, to remove what is dangerous, and to reconcile what is discordant ; since the Parliament of England must be prepared for change, and the Bench is so filled as to give the best promise that all necessary and expedient changes will be ably and cordially promoted.

I understand it to be clear, that the Supreme Court has jurisdiction over immoveable property in the interior of the country, in all cases in which the possessor of such property is personally subject to its jurisdiction. Its interference with such property is therefore likely to be considerably more extensive hereafter than it has been hitherto.

Let us then see how it will operate : First, as to land charged with a land revenue, or rent to Government.

Such land is liable to sale by the Revenue authorities, on any failure to pay the assessed revenue with punctuality. The holders of it are subject to various rules in regard to the appointment of the inferior agents of police, and of certain village officers of account. They are bound to render information on various occasions ; they are required to aid in furnishing supplies to troops, and are liable to fines in default. Every zemindaree, or other fiscal division, for the rent or revenue of which a separate contract was entered into at the time of the permanent settlement, continues to be responsible for the whole of such revenue, until a regular division and apportionment are made, according to prescribed forms ; provision being at the same time made to secure persons who have applied to have separate possession of their shares, from suffering by the default of their co-sharers pending the process of partition.

Where distinct parcels of a property thus held of Government under a single lease are transferred, whether by decree of Court or by the act of individuals, the thing to be done is merely to determine what share of the aggregate sum annually payable to Government shall be charged to each parcel. Where the property of the co-sharers is joint, a partition involves the double process of distributing the parcels of land, and apportioning to each its due share of the Revenue with which the whole is burthened.

In all cases the decision of the question how the Government demand shall be apportioned, rests with the Revenue authorities ; the reservation forming in the Lower Provinces a condition of the permanent settlement under which the Government compounded for its right of levying, as rent or revenue, a certain portion of the produce of every beegah not especially exempted. The law proceeds on the assumption that the interests of Government require the reserved revenue or rent to be equally apportioned, and that the Revenue authorities are best able to effect

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

the object. And as the Courts of Adawlut had originally no jurisdiction in the matter of assessment, so they are still barred from taking cognizance of any question touching the apportionment of the assessed demand, to the several parcels into which a joint estate may be divided, or to each of several estates which by the permanent settlement were made subject to a common rent, but for which distinct engagements are now desired.

These Letters are referred to } It appears to be essential, that the officers of the Supreme Court, or
(A.) by Mr. Ross. } the Receivers appointed by it, should attend to the above particulars.

There is otherwise considerable danger that the practical effect of orders intended to secure equal advantages to litigants may operate very differently, and that misapprehensions of our system may induce the penalty of public sale, to the great loss of the individuals whose interests it is desired to guard. For I do not suppose that any proceeding of the Supreme Court, or any other Court, in suits between individuals, can effect the process prescribed by Government for the realization of its reserved Revenue. And though the difficulties in which families are sometimes involved on the demise of their head, or by the dissensions of their members, ought not to be overlooked by our officers, even when the Government demand may be most light, still the exigencies of the public service must not be neglected.

I am not sure how far the subordinate tenantry are affected when the owner of the underwritten opinion of Mr. Strettell (if I understand it rightly) seems to convey this:

The Master in Chancery is only amenable to the Supreme Court for acts done by his order by farmers and agents in charge of the lands of wards of the Supreme Court. Such farmers and agents are, however, liable to the jurisdiction of the Mofussil Courts, unless they can prove an authority from the Master.

Strettell.
21st Dec. 1812.

Mr. Lewin is not in any manner subject to the jurisdiction of your Court, and cannot be proceeded against in it. I showed the Petition to him, and he says he knows nothing about the transaction, and supposes it arises from some misconduct of the persons complained against, or their Master.

If they cannot show a proper authority for what they have done, they will of course be liable to your Court's decision against them; but if an authority from Mr. Lewin should appear, I think the application should be against him in the Supreme Court.

landed property in the interior becomes a ward of the Supreme Court, when a receiver is appointed, or when such property is sequestered, or any process had implying the actual transfer of possession; but I presume that the Master in Equity, as well as persons (Natives or Europeans) acting under his authority, are only subject to the jurisdiction of the Court whose officer he is. And possibly in all cases in which the process goes actually to give or disturb possession, the Court would claim jurisdiction over those whom it must regard as the tenants of the parties whose interests have been adjudged by it. Now, when we consider how hopeless it must be for a set of poor and ignorant cultivators to seek redress in that tribunal, the inconvenience of such a state of things must be admitted to be no slight evil. Still more if we recollect that of the

tenantry of a Zemindar a great proportion will be found holding, not in virtue of any contract with that person, but by a tenure independent of his will, subject to the payment merely of the Revenue, which, but for its settlement, the Government would have been entitled to demand, and that consisting in many cases of a fixed money-rate, and still leaving to the cultivator a property more valuable than that of his superior. It seems to be a cruel injustice upon such persons, that any act or incident done by or affecting the man who happens to farm the Revenue payable by them, though under a perpetual lease, should operate to deprive them, without their consent, of recourse for redress to the Court of this district.

Then, if it be lawful for our Country Courts to give to *A.*, in a suit with *B.*, property which the Supreme Court has given to *C.* in a contest with *D.*, the poor ryots may, without a clear understanding between the tribunals, be subjected to two task masters.

Lands exempted from the payment of Revenue are free from those causes of embarrassment which have their source in the rules prescribed for the security and punctual realization of the assessed demand of Government. But in other respects the same difficulties arise. And further, the question may occur, how, when such lands are occupied by an officer of the Supreme Court, or by a receiver appointed by it, the eventual claims of Government to the alienated Revenue, supposing the title of exemption invalid, are to be determined. So also as to the assessment of lands held under temporary settlements by the owners.

(B.) The simplest preventative and remedy of the inconvenience to be apprehended from the above causes, would seem to be the following. In all cases in which the Supreme Court assume the management of any landed property in the interior through the Master or other officer, or constitute a receiver of the rents of such property,

property, the Collector of the district should be appointed to that office; and besides being answerable to the Supreme Court, he should likewise be subject to the local tribunals, in the same way as he would be if ordered to attach an estate by any of the Adawluts. If thought advisable, the appeal may in such cases lie to the Supreme Court; for of the appellate jurisdiction of that Court, whether over Judges or Magistrates, or of the exercise of its powers in controlling and directing the European officers of Government, there is not, I think, any reasonable ground for jealousy. For one, at least, I should be glad to see their authority in such cases more frequently and extensively brought into action, though I might add the condition, that their process should be made simpler and less expensive; and I have little doubt that our judicial tribunals might be very much improved by placing the Supreme Court at their head, under laws which should combine the whole into one harmonious system.

Though managing the estate, he might, of course, if thought necessary, account for and remit the rents to the Master, or any Receiver appointed by the Court.

In cases in which the Supreme Court may actually give possession to any individual, all that seems to be necessary is, that in respect to all suits by or against persons, other than the party against whom the process of that Court may have issued, or the agents or assignees of such party, the individual put in possession shall stand on the same footing as if he had acquired possession by a decree of the Adawlut; barring, of course, any questions touching the force of the Supreme Court's judgment or order in respect to the parties named in their writ.

The defect of the provision contained in the 107th section of the 53d of the late King, c. 155, which appears to have been held not to permit one British born subject to be impleaded by another in the Country Courts, and under which it seems to be doubtful whether an executor is subject to the jurisdiction of these Courts, except for his own contracts, ought to be amended.

As to possible collision between the Courts in cases in which they have concurrent jurisdiction, I do not think the danger of serious evil is very great. Still it does seem to be a source of inconvenience that should be shut. But this can apparently be effected only in one of two ways. Either the Supreme Court should (which will never be) cease to have jurisdiction over immovable property in the interior, or, instead of standing, as it now does, alone, it must be made part of the general scheme for the administration of the judicial business of the country.

How the last alternative is best to be carried into effect, it would be impertinent in me to attempt to decide. My thoughts on the subject must necessarily be vague and little worth. But it may help to an understanding of the thing if I briefly put the cases that have occurred to me.

It has happened that opposite decisions have been passed by the Supreme Court and by the Sudder Dewanny Adawlut, regarding different portions of the same estate, on grounds equally applicable to all. In the case I have immediately in view there was no collision, and it happened that the value of the thing in contest was such as to give an appeal from the judgment of both Courts to The King in Council. Even in such a case, however, it is rather discreditable, considering especially the fearful delay that seems to attend appeals to England, to have the highest tribunals of the country placed in such a predicament. The strength of our Government resting so much on our real or supposed concord, nothing is more to be deprecated than even the appearance of dissension. And it should be observed, that the circumstance of there being an appeal to England was accidental.

I see a case mentioned, in which a British subject, A., having got possession of part of an estate, while a native, B., had seized the rest; the former was impleaded by the latter in the Supreme Court, the latter by the former in the Zillah Court, each in his own forum, without any assurance of consistency of decision.

The next case that occurs to me was that of a person holding possession under a decree of the Zillah Court being ousted by an order of the Supreme Court passed *ex parte*; the possessor having failed to appear and plead the decree under which he held.

We lately saw a case in which a native of rank would, but for the illegal interference of the local officers, have been dragged nearly a thousand miles down to Calcutta, to contest a demand of an inconsiderable sum of money, which, if due, could easily have been recovered on the spot, and for which security ten times over would readily have been given.

The jurisdiction asserted by the Bombay Court appears to leave little exempt from it.

It seems to be somewhat questionable whether false swearing in the Sudder Dewanny and Nizamut Adawlut would be punishable as perjury by the Supreme Court;

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

(F.)

Court; and it seems to be clear that oaths are frequently taken judicially* and on the most material points at issue, which would not be punished.

The power given to the Sudder Court of enforcing process within the limits of Calcutta has, in numerous cases, been found to be insufficient.

The criminal jurisdiction of the Country Courts over British subjects being confined to cases of assault and trespass, is manifestly inadequate to the exigencies that must arise under an extended resort of British subjects to the interior, to say nothing of difficulties arising out of the mere wording of the provisions applicable to the case.

In the distant provinces many offences indeed must remain unpunished, rather than the offenders, the complainants, and the witnesses, be transmitted many hundred miles to an uncongenial climate; and Justices of the Peace, who as zillah or city Magistrates exercise all their powers under the control of the Circuit Judges, are, in that capacity, freed from any control but that of the Supreme Court.

Now, as to persons, supposing the Supreme Court to retain its original cognizance of all suits now cognizable by it, would it not be practicable to define its jurisdiction by a system of registry, partly imperative, partly optional, so that every one should know precisely whether he stood in that predicament; and that the Judges and officers of the Supreme Court might likewise know whether their writs could properly be issued against the parties named in them?

If this cannot be done, may not our Mofussil Courts be most advantageously employed by the Supreme Court as Commissioners of Inquiry and Mesne Process and Execution, with the power of investigating the facts necessary to determine the point (it would be no serious evil if now and then the jurisdiction were disallowed erroneously), and with authority to take bail, and to do all that is necessary to insure an appearance, and the execution of the ultimate decree?

* Original torn.

To a native, ignorant of our ways, filled possibly with groundless terrors of a strange tribunal (let us not flatter ourselves that there is no reason for so general a dread), justly alarmed at the prospect of being transported to a country of which the people are h.....,* the climate noxious, the food unwholesome, the very water tainted (so Bengal presents itself to many of the inhabitants of Hindoostan), it is no small evil that the question of jurisdiction cannot be determined by some such process, and that he is liable to be suddenly called to answer in a distant tribunal, of whose existence he may then first have heard, and whose process is full of mystery and affright. Might not the Magistrate of each city or zillah be the Sheriff of the same, with enlarged powers and discretion, if we must have a Sheriff?

Without some such scheme, it seems to be impossible but that natives must be frequently surprised, and the process of the Supreme Court may, through the chicanery of the Bengalese, be rendered a source of intolerable oppression.

It seems to me, that in all cases wherein the party impleaded may not be an European born British subject or a settled resident of Calcutta (these classes could easily be defined), the question of jurisdiction should be taken up by the Court without any pleading of the party; he being, of course, still at liberty to plead that process should not issue out of Calcutta, unless the plaintiff's evidence (supposing it not to be contradicted) establish the fact, and that when issued it should be directed to the Judge or Magistrate of the district empowered as above to take security under the directions of the Supreme Court.

(H.)

In suits for land, all process should, I think, be served through the local Courts, who might, perhaps with advantage, be required to make a return of any decrees or orders that might have been passed relative to the property in contest, touching either the complainant or defendant. Nothing is to be watched so jealously as *ex parte* decisions; for it seems to be certain, that in this country it will never do for Justice blindly to hold the scales, in the confidence that each party will throw into them every thing that can weigh in his favour.

Such a principle may be safe and wise in England, because we have there freedom and knowledge, community of language, publicity of proceedings, the fellowship of man with man, the thousand social ties that link a population accustomed to self-government, and knit together by the institutions through which the work of government is done; but if laws written in monkish Latin or barbarous French were administered to Saxon serfs by their Norman conquerors, nay, where an English Court is carried among Highlanders, or Irishmen, Judges must, I apprehend, have all their eyes about them, unless they be content that the forms of law shall cover the most shocking injustice.

(I.)

In cases where there is a concurrent jurisdiction, would it be impossible or difficult to constitute a special Court or Chamber for the final decision of them, subject, if thought proper, to an appeal to England? Might not two Sudder Judges
be

be in such case associated with the Supreme Court? or might the Chief Justice and one of the Puisne Judges of that Court, with a single Judge of the Sudder, constitute a suitable tribunal, using in all cases, at least as extensively as possible, the District Court for the first trial of the points at issue?

We should thus apparently guard against collision and contradiction; we should unite the local knowledge of our service with the legal wisdom of the King's Judges. The latter might gain something in the way of information; the former could not fail to derive much valuable instruction.

As to the punishment of offences committed by British subjects in the interior of the country, the main difficulty probably would be the reluctance of our countrymen here and at home to give up the privilege of trial by jury. It would not however, I imagine, be very difficult to constitute a Jury, say of four or five persons, at each of the principal towns (Meerut, Dehlie, Agra, Furruckabad, Bareilly, Allahabad, Benares, Patna, Moorshedabad, Dacra, Chittagong), and three Judges or Justices of the Peace might assemble to hold the Sessions.

To that Sessions there might lie an appeal from sentences passed by single Justices of Peace, and in the most serious cases there might be an appeal from the Sessions to the Supreme Court; that Court, with or without a Jury, to be vested with the power of confirming or reversing convictions, and in the case of acquittals, of annulling the proceeding of the Sessions, and either ordering a new trial, or directing the parties to be sent for trial to Calcutta.

I suppose there would be little difficulty in obtaining from Parliament authority for the Governor General in Council, with the concurrence of the Supreme Court, to make the necessary provisions for the enforcement of the process of all our Courts in Calcutta or elsewhere, and for enabling all Boards and Commissions acting judicially under the warrant of the Government, in cases within their competence, to restrain contempts by moderate fines, and to bring to punishment, by indictment in the Supreme Court, persons guilty of swearing falsely before them to matters essential to the issue of the cases so investigated by them.

Whether Parliament would consent to give to Government a general power of legislation, is more doubtful; yet assuredly it is a little unreasonable that the Government should possess and exercise so large a power of legislating for many millions of natives, (I do not deny that the function is somewhat too easily exercised,) and that so much difficulty should exist in providing the laws necessary for the small number of British born subjects resident in India, and the comparatively limited population of Calcutta.

It would not, I think, be difficult to constitute a suitable Legislative Council, if it be not thought right to give the power to Government. A veto, I suppose, will at once be allowed to the Governor General. In such a Council the Judges of the Supreme Court ought surely to take a part; for their co-operation would in many respects be eminently useful; and it does not appear to me that any of the reasons which may be urged against the union of judicial and legislative powers, possess much force under the actual circumstances of this country.

But I have already written more than enough in a paper, of which the object is to bring out the points requiring to be settled, rather than to attempt to describe the means of settling them. I shall only therefore observe generally, that the number* and nature of

questions which have arisen out of the Parliamentary provisions relating to this country, and the doubts and difficulties which have practically embarrassed the Government, are such as appear conclusively to show the necessity of there being vested in some local authority legislative powers similar to those enjoyed in many of the Colonies. In truth, perhaps no appeal to facts can in such a case be necessary. It is enough to observe, that even in cases in which Parliament legislates with the fullest information, almost every new provision induces the necessity of some fresh enactment to amend or explain, to admit, that in relation to this country it must generally proceed on very imperfect information, and to recollect the distance and delay that impede the correction of what is wrong, or the explanation of what is doubtful.

320. E.

(signed)

Holt Mackenzie.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

(K.)

(L.)

* See especially Correspondence regarding the Mutiny Act, the Navigation Laws, the Slave Trade Act, the Revenue Powers of Government, the Marriage Act, and I might, I believe, say every Act relating to the country.

The following points requiring to be settled occur to me, in addition to what I have above stated; many others might, I imagine, be added:—Relation of the Government to the foreign Settlements in peace, or when captured in war; Law of Inheritance for country-born Christians of various parentage; Modification of Hindoo and Moslem Laws, as applicable to Calcutta; Recovery of Small Debts from European British subjects living in the Mofussil, within ten miles of Calcutta; Nature of the interest possessed by British subjects in various kinds of immovable property; Administration to Estates of Hindoos and Moslems residing in Calcutta; Execution of Decrees passed by the Country Courts, and of Process generally within Calcutta; Exemplification of ditto; Enforcement of Security Bonds and the like, given by British born subjects in suits before the Country Courts; Examination of Witnesses at a distance, on the principles of 13 Geo. III. c. 63. s. 40, &c.; 24 Geo. III. c. 25. s. 78.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

NOTE by Mr. *W. H. Macnaghten*; dated 9 April 1829.

I HAVE read with much attention Mr. Mackenzie's Minute relative to the jurisdiction of the King's and Company's Courts. The question now under the consideration of Government originated, I believe, in the appointment by the Supreme Court of a Receiver to a portion of an estate situated in Nuddea, and other districts, which portion had been decreed by that authority to be the property of two individuals, one of whom is a minor. The Receiver so appointed was an European British subject; and the Judge of Nuddea, entertaining doubts as to the legality of the appointment, referred the question to the Sudder Dewanny Adawlut, by which Court it was submitted to Government. The Governor General in Council having determined the rule which restricts Europeans from holding lands or managing estates in the Mofussil, ought not to be considered applicable to a Receiver appointed by the Supreme Court, the original question is set at rest; but others have arisen out of it which have been discussed by Mr. Mackenzie, and which I shall here briefly notice.

In the first place, an apprehension seems to be entertained, that the extension of the Supreme Court's jurisdiction to landed property situated in the Mofussil is calculated to have an injurious effect on the Revenue of the State. But how this effect is to be produced from such a cause I cannot perceive. Take the case we have before us. The property under litigation in the Supreme Court we will suppose to have been a joint estate, belonging to Ruttenchunder Paul Chowdry and Premchunder Paul Chowdry. Subsequently to the death of these two individuals, the heirs of one of them attempt to take possession of the entire property. They are sued by the heirs of the other in the Supreme Court, and the plaintiffs obtain a decree for a six Anna share. The lands of which that six Anna share is to consist are specified in the decree; and an order is passed, that they shall be held by the plaintiffs as a separate estate. In this there is no attempt at interference with the fiscal authorities or the Revenue dues of Government. The Receiver of the Supreme Court, on behalf of those for whom he collects, applies to the proper quarter for a registry of the names of the decree holders, with a view to give effect to the provisions of the judgment. The act of the Court in distributing the parcels of land among the co-sharers, neither does nor is intended to affect the clear and indefeasible right of Government to realize by the authorized process the rent leviable on the entire estate.

In the event of any arrears accruing on either of the portions specified in the decree, the estate is of course liable to sale; and this, indeed, seems to have been actually threatened with regard to certain parts of the estate situated in the districts of Jefsore and Nuddea. The only means by which the Government Revenue could be affected, would be by a depreciation of property occasioned by the assignment to one co-sharer of too great a portion with reference to the share of Government Revenue contributed by him. But this evil would soon cure itself. The suffering co-sharer would, it may be supposed, not delay long in applying for a butwarra of the estate; and on a division being made, the Collector is authorized and required to assess the parcel divided off with its due share of the revenue with which the whole estate is burthened. If there is any inequality in the assessment, the fault does not lie with the Supreme Court. But there might be cases in which, from minority or other disqualification, mischief might arise from the least delay in the application of the remedy; for this reason, and because it seems to me a plan in itself simple, efficacious and unobjectionable, I think that a rule should be made, that whenever the Supreme Court decree a portion of an estate, and actually parcel it off, as in the present instance, the division should be looked upon, to all intents and purposes, as if it were a butwarra made by the Collector, and that the assessment should be laid on the several portions accordingly. The Supreme Court would, I feel convinced, readily give the necessary instructions to their officer to furnish the Sudder Board with copies of all their decrees affecting landed property situated in the Mofussil; and when a Receiver is appointed, he should be required to name the individual or individuals whom he may delegate to make the collections.

The next difficulty started seems to me to exist nowhere but in imagination. It is apprehended that the individual delegated by the Receiver to collect the rents would be amenable only to the jurisdiction of the Supreme Court. But why should this be the case? The Supreme Court, in appointing a Receiver, never contemplated that his delegate should be "*lege solutus*," or exempt from responsibility to the local authorities. Suppose that the parties in whose favour the

the

the decree had been passed were neither of them disqualified, and that the Supreme Court had adjudged possession to them; in that case it would not be pretended, that the judgment was meant to exempt the parties from any liabilities to which they were subject before; neither in this case, by the appointment of a Receiver to act for the parties, was anything more contemplated than that he should be guided in his proceedings by the same rules as are applicable to the parties themselves. The Supreme Court would no more interfere in the one case than in the other. If the officers of their Receiver misconduct themselves in the interior, either by commission or omission, that Court would unquestionably allow the local law to take its course in the same way as if the parties themselves had been put in possession under the decree. I happen to know, that very lately, within the jurisdiction of Baraset, several people belonging to the Receiver's delegate were seized and put in gaol on a charge of affray; but the Receiver never dreamt of applying to the Supreme Court, nor supposed that the jurisdiction of the Mofussil authorities could for a moment be disputed. Had the Receiver appointed an European British subject to collect the rents, the case would have been different. This we may be assured he would never do for his own sake; and if this were done, the Government would always be able to counteract the evil by refusing a license to reside, in the event of security not being furnished for the performance of all that is required from the land-holders.

The entire fallacy seems to consist in the supposition, that the Supreme Court, in adjudicating the transfer of property situated in the Mofussil, necessarily alters the laws to which such property is subject, and that, in appointing an officer of their own to receive the rents, they necessarily authorize a deviation from the established modes of collection. I feel it quite impossible to argue against this doctrine, or to suggest any remedy for an evil the existence of which there is no reason to presume. The question, as far as it affects lands held rent-free, seems to me to be equally simple. The Supreme Court does not, in any instance, determine the question as to the validity of the tenure. It merely goes the length of determining, that the right of *A.* is superior to that of *B.*, without in any manner deciding that there is an indefeasible right in either. Denying as I do the mischief, it is hardly requisite to discuss the efficacy of the suggested remedy of appointing the several Collectors to the office of Receiver; but I shall merely mention, as one of the grand objections to this system, that it would entail the performance of duties in their nature frequently conflicting, and that the Collector, in his capacity of a servant of the State, might often be called on to act in a manner prejudicial to the interests of the individual whose estate is confided to his management; for the Government, I presume, would hardly concede to an estate so circumstanced, the privilege of exemption from sale, on account of arrears.

With reference to the defect noticed of the provision contained in the 107th Section of the 53d of the late King, c. 155, which has been held not to permit one British born subject to be impleaded by another in the Country Courts, it is sufficient to observe, that constructions have been given both ways by successive Advocate Generals, though it is certainly desirable that the law should be settled in one way or the other. There is little danger, I think, to be apprehended from collision between the King's and Company's Courts, in cases in which they have concurrent jurisdiction. The Company's Courts would be prohibited by our regulations from hearing a suit which had already been determined by a competent authority, as the Supreme Court must be admitted to be; and in deference to an established and well-known maxim of jurisprudence, the Supreme Court would regard as *res judicata* a matter which had been determined by one of the Company's Courts. Where concurrent jurisdictions exist, there must always be danger of conflicting judgments. To limit the jurisdiction of the Supreme Court to the area comprised within the Mahratta Ditch, would certainly be a royal road to simplicity; but I do not think that this specific would be either very consonant to the inclination of the Judges of that Court, or just to the claims of its suitors. It would hardly be equitable to allow a man to enter into all kinds of commercial engagements, and to exempt his property from the liability to which he has subjected it, simply because it does not happen to be in the very spot where the contract may have been entered into. In truth, it is very difficult in any country where there is a multiplicity of jurisdictions to prevent their clashing. In Mr. Brougham's Speech on the present State of the Law in England, there is an amusing and instructive account of the conflict of the King's Bench and Common Pleas, and of the competition of the three Courts. If the Supreme Court of Judicature in this country grasps at jurisdiction, it is not singular in its propensity.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

The Sudder Dewanny Adawlut has lately consulted the Advocate General as to their power of punishing for contempt an European, who sent into the Court a libel on the Judges, the offence being of course committed in Calcutta. His reply has not yet been received; but should it be in the affirmative, I believe the Court have it in contemplation to suggest the enactment of a regulation, extending their powers of punishment in such cases; for though the existing penalties are sufficient perhaps to deter natives from the commission of this offence, yet they are clearly insufficient to restrain the wealthy and litigious European from attempting to browbeat and insult the Judges, whose decisions may not be exactly conformable to his cupidity. I am not aware that in any other respect the powers given to the Sudder Court by Act of Parliament for enforcing their process are inadequate. Mr. Mackenzie seems to think that false swearing in the Sudder Dewanny and Nizamut Adawlut would not be punishable as perjury by the Supreme Court. I do not know on what this opinion may be founded, but a former Advocate General, Mr. R. Smith, distinctly declared in a communication to this Court, dated the 2d January 1812, that the offence in question would be so punishable.

To establish a system of registry for persons subject to the jurisdiction of the Supreme Court, on the principle suggested by Mr. Mackenzie, would, I think, be extremely difficult. Every man must necessarily be entitled to plead in bar of the jurisdiction. It would be unjust, nay intolerable, to deprive a party sued of this right, because he had been registered on a summary and *ex parte* inquiry; and if this were not done, what would be the use of the registry?

The objections to employing our local judicial officers in aid of the process of the Supreme Court, as it is at present constituted, appear to me quite insurmountable. In the first place, they positively want the leisure; and, in the second place, from their ignorance of technicalities, they would be perpetually committing blunders, and involving themselves and the Government in embarrassment and confusion. To meet the existing difficulties, it appears to me, that no unobjectionable scheme can ever be devised, so long as the Mofussil Courts are subject to one authority, and the Court at the Presidency to another. Were India transferred to the Crown, the simplest plan apparently would be to take away from the Supreme Court all native jurisdiction, confining them to cases in which Europeans are concerned, and giving to the present Sudder Adawlut, under the designation of the Supreme Native Court, exclusive jurisdiction in cases concerning natives, whether in or out of Calcutta. The consideration of this, however, and of the other points adverted to at the conclusion of Mr. Mackenzie's Paper, would require infinitely more leisure than I can at present devote to the task. I therefore return all the documents, with these hurried observations, as I despair of being able to offer, within a moderate period, any suggestions calculated to be conducive to practical utility.

April 9, 1829.

(signed) W. H. Macnaghten.

No. 12.

NOTE by Mr. J. W. Hogg; dated 17 May 1829.

I do not find among these Papers any representation of any Collector or Zillah Judge, stating any evil that has actually arisen from the appointment by the Supreme Court of a Receiver of the rents of lands in the interior.

That power has been exercised by the Court for a period of forty years and upwards, and it seems strange that no causes of loss to the public Revenue or injury to private individuals have been adduced. I myself have a pretty accurate knowledge of the proceedings of the Supreme Court for the last thirteen years. During all that time the Receiver has had under his charge various lands in the Mofussil; yet, till now, there has been no difficulty, embarrassment or complaint.

And be it remembered, that the attention of Government has not been drawn to the subject by any practical inconvenience that has actually been experienced, but by the refusal of the Mofussil authorities to recognize the Receiver, or afford him the usual aid in the discharge of his duty; assigning as their reasons various ills that must inevitably result from such a measure, but which have been averted for nearly half a century.

I confess, that on perusing the Papers, the first thing that struck me was, the absence of facts from which arguments could be fairly drawn, or remedies suggested. All is speculation; a host of imaginary perils are conjured up, which are difficult to combat, because they are unreal.

With respect to the jurisdiction of the Supreme Court over lands in the Mofussil,
it

it is now much too late to agitate that question, except by application to the Legislatures. I can well understand the grounds on which it might have been contended, when the Court was first established, that it ought not to exercise any jurisdiction over lands in the interior; and, circumstanced as the country then was, many arguments might have been adduced that now are no longer applicable. But when the jurisdiction in certain cases is conceded, I am unable to understand how it can be contended that the Court in such cases cannot appoint a Receiver, which is only the exercise of a power incidental, if not essential, to jurisdiction. The Court which can adjudicate as to the right, title and inheritance to landed property, must, of necessity, have the power to appoint a Receiver to collect the rents, and protect the property pending the litigation.

In India the local Government is now affording increased facilities to Europeans to reside and hold lands in the Mofussil. At home, by the late Insolvent Act, the whole property of the insolvent is vested in the assignee named by the Court, and no distinction is made between a house in Calcutta and a talook in the Mofussil; and under the provisions of this Act, extensive estates must often be vested in the assignee, with power not only to collect the rents, but to sell the interest of the insolvent. Surely then this is not the time to contend that no officer appointed by the Supreme Court ought to be permitted to collect the rents of lands in the Mofussil, or to urge that such an interference would be incompatible with the interests of the Government and the safety of the public.

The first danger apprehended is, loss to the public Revenue. I confess I am wholly unable to understand how injury or danger can possibly accrue to the public Revenue from such a cause.

When the Court appoints a Receiver, that officer is empowered to collect the rents then due and to accrue due, in the same manner that the proprietor himself could collect them. He is bound to discharge the Government Revenue out of such rents, when collected; and if the Revenue should not be paid, the lands are as liable to sale in the hands of the Receiver, as in the possession of the native proprietor. Where then is the danger or difficulty? Is not the payment of the Revenue more secure, from the very circumstance of the rents being collected by a responsible public officer, who is personally liable, and can be summarily punished for misconduct? Refer to all the cases where Receivers have been appointed, and let me ask if, in any single instance, the Revenue has been unpaid, or any loss otherwise sustained by Government? If the Mofussil authorities will only aid the Receiver in the discharge of his duties, the payment of the Revenue will be as certain as if the rents were paid into the Public Treasury.

It does not appear to me that any new regulation need be framed. I would suggest, that when a Receiver is appointed by the Supreme Court, he should be directed to file with the Secretary to the Sudder Board an office-copy of the order, or ordering part of the decree whereby he is appointed, and wherein the lands and premises are set forth; and the Sudder Board can issue to the local authorities the necessary instructions to recognize the appointment of the Receiver, and to afford him the usual aid in collecting the rents.

In like manner, as to partitions, let the same force be given to a partition made by the Supreme Court as to one made by the local authorities; and let the parties have a like liberty to register their separate shares in their separate names, and to call upon the Collector, in the usual form, to allot to each share the proper portion of Government Revenue. The decree of the Supreme Court allots and sets out in severalty to each the share to which he is entitled, but it in nowise affects, or can affect, the right of Government to collect the Revenue, nor the mode of enforcing payment of it.

It would be a hardship if, after a family had separated, the share of one should be sold for the default of another; and this has accordingly been provided against by the regulation enabling the parties to call on the Collector to apportion the Revenue; and I cannot see why this indulgence (if indulgence it can be termed) should not be conceded to the parties where the partition has been made by the decree of the Supreme Court.

The party wishing to have the decree recognized and acted upon in the Mofussil, might be required to file an office-copy of the ordering part of the decree with the Sudder Board, who could issue the necessary orders. Indeed, what I have suggested is only that effect should be given to the decrees of a Court of competent jurisdiction.

In the Supreme Court no matter can be litigated that has already been determined by any Zillah Judge or Court of competent authority; and the decree or

judgment of such Judge or Court could be pleaded in bar of any suit or proceeding in the Supreme Court relative to the same subject matter.

I have heard it complained, that there is not entire reciprocity in enforcing decrees and judgments, and I admit the truth of the observation; but this arises from the different constitution and powers of the Courts, and does not depend on the will of the Judges that preside. By Charter, the process of the Supreme Court runs through the provinces, and the Court enforces its own decrees and judgments by its own process, in the execution of which all local authorities are required to be aiding and assisting. Not so with the Country Courts; their process (except as provided for by Statute) cannot be executed within Calcutta; and a party seeking to enforce a Mofussil decree in Calcutta, must sue upon that decree, which will be recognized and enforced by the Supreme Court.

I have suggested, that the Receiver should file a copy of the decree or order, whereby he is appointed, with the Sudder Board, rather than forward it to the Collector and Zillah Judge, because it appears to me to be the course most simple, and the least likely to induce collision. If the lands were situated in different districts, the estate would be put to great expense, if it were necessary to send a copy of the decree or order to each different authority; and these authorities would probably rather receive their instructions from the Sudder Board than from any other quarter.

I shall now notice the second objection, which, if well founded, would indeed be most serious.

It is supposed that the native Managers and Mooctears appointed by the Receiver may plunder and oppress with impunity, being exempt from the authority of the Mofussil Courts, and that the suffering Ryots are remediless, unless they undertake a pilgrimage to Calcutta, surmounting all the prejudices and braving all the horrors so glowingly portrayed by my friend Mr. Mackenzie. Every native appointed by the Receiver is as amenable to the Country Courts for every act of violence or extortion as any individual in the districts; and if the Receiver himself were there, and should so conduct himself, he would, in my opinion, be as liable to the authority of the Zillah Magistrate as any other European.

There is a clear and marked distinction between that which is done in virtue of office, and outrage committed under mere colour and pretence of office. It would not be competent to the Zillah Judge, or Collector, to say to a Mooctear duly appointed by the Receiver, "We shall not recognize you on your authority, or permit you to collect the rents." But it would be competent to the Mofussil authorities to prevent that Mooctear from exacting more than the Ryots were bound to pay, or to punish him for any acts of violence or oppression he might commit.

I cannot see how there can be any extortion under such circumstances. If the Ryots will not pay, the Mooctear must apply to the Judge, who will only pronounce his decree for the amount actually due. The Mooctear cannot receive without the aid of the Mofussil process; and if he should attempt to take the law into his own hands, he would be liable to punishment like any other wrongdoer.

Lands in the Mofussil, when under the charge of a Receiver, are generally let on farm to natives, who are of course in all respects in the situation of the proprietors, entitled to the same remedies, and subject to the same liabilities. In the case which called for the present discussion, I, being then Receiver, determined not to let on farm, for special reasons. The parties on whose behalf I was acting, having been excluded from all enjoyment of the joint family property, were unable to afford me any information respecting the parcels allotted to them, and I therefore wished to retain the lands under my own management, until I could ascertain their value, and be able to form an opinion as to the biddings when they were put up to farm. Besides, I had reason to believe, that if the lands were then put up to farm, the eldest member of the family would himself take them in the name of some dependent, for the very purpose of defeating the object of the Court in ordering those parcels to be severed from the rest of the family property.

Unless some such special reasons compel the Receiver to undertake the trouble of managing by his own Mooctears, he will, in all cases, let to farm, as most for the benefit of those interested, and less troublesome to himself. While I held the office of Receiver, I was appointed Committee of the Estate of Juddoonaut Baboo, a lunatic, then confined for debt in the great gaol in Calcutta. He had large landed estates, but had long been greatly embarrassed, and his affairs were in the greatest confusion. He had let a great part of his own property on puttnee, and had taken many talooks from others on the same tenure, which much increased the difficulty of management. As I did not know when the man might be restored to reason, I considered it my duty not to farm the talooks, but to retain them in my own

management,

management, that I might be able to restore them to the proprietor on his recovery; and I accordingly collected myself by Mootears. I applied to the different Mofussil authorities, particularly in Zillah Hooghly, from whom I received the most ready and courteous assistance, and was able to discharge my duty without any collision or difficulty.

It is suggested, that by the appointment of a Receiver all the Ryots on the estate become amenable to the Supreme Court. It is not so; they are not liable further than every native or other person, who opposes the process of the Court, is liable to answer for the contempt.

If the Ryots, after knowledge of the order appointing the Receiver, were to pay to another, an attachment might issue against them; but no such process has ever issued, or been applied for by any Receiver, to my knowledge. I do not think that it would answer practically to appoint the Collector the Receiver of the Court for the lands within his district. Where the lands were situated in different districts, there would be many Receivers, all officers of the Court, and thereby subject to its orders, in a way that would necessarily interfere with their public duty.

I believe I have noticed all the dangers and difficulties alleged as likely to accrue from the appointment of an officer of the Supreme Court to be Receiver of the rents of lands in the Mofussil, and I have suggested what occurred to me as sufficient to remove every real difficulty. I shall now briefly advert to some of the general suggestions of Mr. Mackenzie; and I feel I shall find it easier to point out objections to what has been proposed, than to originate any thing better myself.

The liability of any person to the jurisdiction of the Supreme Court, at any stated time, is a mixed question of law and fact, which can only be determined by the Court itself. No system of registry could be of any avail, because there could be no competent authority to determine the question at the time of registry; and if then determined as to any individual, that same person might be differently circumstanced on the following day, and be either free from past or subject to new liability.

The liability of any person to the jurisdiction depends upon what is variable, and therefore cannot be measured by any fixed standard.

Mr. Mackenzie is in error in supposing that the process of the Supreme Court can issue against any person without previous inquiry as to his being subject to the jurisdiction. No process can issue against any person, not even against a British born subject, without an affidavit stating the party to be subject to the jurisdiction, and in what manner.

This is the only precaution that can be taken to avoid an abuse of the process; and the party may afterwards appear, and deny his liability, and that issue will be tried before the merits of the case are gone into.

With reference to an observation in one of the accompanying Papers, I may here say, that a native resident in the Mofussil is not subject to the jurisdiction of the Supreme Court by reason of his having land or houses in Calcutta. It is true that the title to such property within Calcutta could only be determined by the Supreme Court; and so far, but no further, can the proprietor be said to be subject to the jurisdiction. For example: *A.*, a Hindoo, resides at Patna, and has neither a family dwelling-house nor house of business in Calcutta; he has however land in Calcutta, which is wrongfully entered upon, and possessed by *B.*; *A.* must seek his redress against *B.* in the Supreme Court, and *B.* may bring a cross suit against *A.*, who will be held amenable, and compelled to answer as to *that subject matter* respecting which he himself sues, but not otherwise.

I think it is to be regretted, that when the Court was first established, the Judges did not frame processes suitable to the country, instead of adopting all the English forms. The attention of the present Judges is now directed to this subject, and rules have already been framed, and will shortly be published, that will obviate many of the inconveniences arising from executing the process at a distance from Calcutta. While English law and practice prevail in the Supreme Court, I fear there would be an insuperable objection to the plan of referring the whole or any part of the matters in issue to the decision of any of the Mofussil Courts. The Supreme Court must itself hear and determine all matters before it, and has no power to delegate any part of that authority to any other tribunal. Wherever there are Courts of concurrent jurisdiction, there must sometimes be conflicting decisions. This may be lamented, but must be submitted to, as an evil incident to human frailty throughout the world, and not peculiar to this country or its institutions.

I think it would be most desirable if the process of the Court could be executed by the local authorities, and I believe it is so at Madras, beyond a certain distance

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

from the Presidency. I fear, however, there would be some difficulty, from the wording of the Calcutta Charter, which directs all process to be executed by the Sheriff. The Sheriff might appoint any number of deputies, but he would be legally responsible for the acts of each; and the inadvertence of any one of the number might fix him with liability to an extent that would deter any one from accepting the office.

I was not aware that doubts had been entertained, whether a person swearing falsely in any judicial proceeding in the Sudder Dewanny could be indicted for perjury in the Supreme Court; and as the grounds of such doubts are not mentioned, I am unable to meet them. Some case may probably have been submitted to the Advocate General, where the swearing, though false, did not amount to the legal offence of perjury; and hence may have arisen the general doubts; but if the false swearing was wilful, and material to any matter pending judicially before the Sudder Dewanny or Nizamut Adawlut, I should think that the offender could be indicted for perjury in the Supreme Court.

Some legislative provision must soon be made for the trial and punishment of all offences and crimes committed by British subjects in the interior, and at a distance from Calcutta. It is almost a denial of justice to require a prosecutor and all his witnesses to abandon their houses and callings, and proceed to Calcutta, perhaps from the most remote parts of Hindoostan. The jurisdiction of the Country Courts over British subjects in criminal cases is now limited to cases of assault and trespass, and I do not think that it will be extended. Some new tribunal must be constituted, and none seems so consonant to English feeling, or so free from all objections, as general sessions of the peace, to be holden at the principal stations, before two or more Justices of the Peace, with an English barrister of experience and standing presiding as Chairman. It would not be necessary that the jurors should be British subjects, as formerly; and I do not think that there would be any difficulty in assembling a full jury of persons professing the Christian religion at any of the stations enumerated by Mr. Mackenzie.

But these and all other matters relating to India will soon be under the consideration of Parliament; and from the increased attention of late bestowed on Indian affairs, they will, I trust, be maturely considered. I could not venture to obtrude any suggestions of my own, without giving the subject time and consideration that I have not at my disposal.

All who are acquainted with the Statutes relating to India must admit, that they are framed most loosely, and evince throughout an absence of local knowledge and experience; and all who have resided long in this country must, I think, regret that a general power of legislation is not vested in some local Council, that might be constituted so as to exclude all cause for jealousy from any quarter.

17 May 1829.

(signed) J. W. Hogg.

— No. 13. —

NOTE by Mr. A. Ross.

(A.)

IT seems to me quite clear, that a decree or order of the Supreme Court, adjudging to a party a certain share of a joint estate situated out of Calcutta, and assigning specific villages or lands as forming that share, and apportioning the

I mean, of course, that in so far as the decree or order affects the public assessment, the local authorities cannot attend to it. In every other respect I should think they must recognize its validity.

public assessment on those lands, is inconsistent with our regulations, and cannot be attended to either by the Judicial or by the Revenue Officers of Government.

In cases such as that of Woomeschunder Paul, I conceive the best course for the Supreme Court to pursue would be that which is followed by the Sudder Dewanny Adawlut, namely, to adjudge merely the share or the specific villages of the estate to which the party suing may be considered entitled, and to direct the Collector, in the case of a share being adjudged, to assign the lands or villages for that share; or in the case of specific lands being awarded, to apportion the public assessment to be charged on those lands. The only valid objection to the adoption of this course appears to me to be the impracticability of giving effect to the rules prescribed for the partition of estates in a reasonable time. But those rules might be much simplified. In the permanently settled provinces, where the rental

of our estates (generally speaking) much exceeds the public assessment, great nicety in making a division is not now necessary to secure the interests of Government. All that seems requisite for that purpose is, that the Collector should satisfy himself that no one of the shares into which the estate is divided, is charged with a larger proportion of the general Jumma than the others, with reference to the rental for the time being, as exhibited in the village accounts. If a joint proprietor of an estate, desiring a separation of his share, were willing to agree to a butwarra made in this manner, I should think it ought not to be objected to by Government. I dare say the division of Woomeschunder and Premchunder Paul's estate was made in this way by the Commission appointed by the Supreme Court.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

(B.)

The most simple remedy for the evils mentioned, would be to make the Receiver appointed by the Supreme Court to the management of an estate, and those acting under him, amenable in all respects to the laws in force in the district in which the property might be situated, with the option of appealing from the decisions and orders of the local authorities, either to the Supreme Court or to the Sudder Adawlut. In civil suits in which an European is a party, this option of appealing to either of the tribunals mentioned is allowed by the Act 53 Geo. III. cap. 155.

(C.)

I am inclined to concur in the opinion that good would result from the Supreme Court being vested with the same controlling powers as the Nizamut Adawlut over Magistrates and other officers of Government in the provinces ; and I am disposed to think, also, that advantage would be derived from giving the Supreme Court an appellate jurisdiction in all civil cases in which a party dissatisfied with the decision of a Mofussil Court might prefer appealing to it, rather than to the Sudder Dewanny Adawlut ; provided in such cases the process of the Court were made as simple and as little expensive as that of the Sudder Dewanny and Nizamut Adawlut. At the same time it must be allowed, that there is reason to fear that such an extension of the jurisdiction of the Supreme Court, while its process continues to be, as it now is, unintelligible to any one but a regular bred lawyer, and available to none but persons of wealth, would be productive of injustice, by enabling a rich litigant to insure the defeat of a poor one, after the latter had obtained justice in the Mofussil.

(D.)

If Section 107th of the 53 Geo. III. c. 155, does not allow one British born subject to be impleaded by another in the Mofussil Courts, the law ought to be amended. I understand, however, that the Section of the Act cited, is thought to have been erroneously construed ; in which case, if there has been no decision by the Supreme Court confirmatory of the construction now acted upon, it might be advisable to take the opinion of the present Advocate General on the point, with a view to revoking the Circular Order issued to the Mofussil Courts, founded on the construction referred to.

(E.)

Nothing more would seem to be necessary to make the Supreme Court part of the general scheme for the administration of the judicial business of the country, than to give it a concurrent appellate jurisdiction, in all matters civil and criminal, with the Sudder Dewanny and Nizamut Adawlut. Its jurisdiction, however, in original civil suits, should, I conceive, be confined within the limits of the Mahratta Ditch. To empower it to try in the first instance (without the consent of the defendant) suits in which the property litigated might be situated in a distant province, would, as I have already observed, open a door to injustice and oppression. It would enable a rich man to bring an unjust suit against a poor one before a tribunal in which the latter could not defend himself.

Collision between the two Courts might, perhaps, be guarded against as much as it can be, by making it a rule, that an appeal preferred to the one should be a subsequent appeal to the other in the same case.

If it were said, that by adopting this plan of giving to the Supreme Court all the powers of the Sudder Dewanny and Nizamut, the latter Courts would be rendered unnecessary, I would reply, no ; because the Supreme Court could not get through

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

a tenth part of the business to be disposed of, and also because, although it might be desirable that all persons in the interior, Natives as well as Europeans, should have the option of appealing to that tribunal, it is most probable, even were its mode of procedure simple and inexpensive, that the great majority of the people would prefer the Sudder Dewanny, on account of the greater acquaintance of its Judges with their language, manners and customs.

(H.)

Whatever alteration in the jurisdiction of the Supreme Court may be adopted, I conceive it is very desirable that its orders and processes extending to the Mofussil should be executed by the local authorities, in like manner as those of the Sudder Dewanny and Nizamut Adawlut are. They would in this manner be much more effectually executed than they now are.

(J.)

In regard to the scheme of constituting a special Court, or Chamber, to consist of one or two Judges of the Sudder Adawlut, associated with the Judges of the Supreme Court, for the decision of cases in which the two Courts have concurrent jurisdiction, I apprehend a tribunal of such composition would not work well. The local experience and knowledge of the Sudder Judges would not probably be thought by the Judges of the King's Court sufficient ground on which to form a decision, when local information, as to any particular point which it might be necessary to establish, could be obtained by the examination of the witnesses. The Judges of the Sudder, therefore, could afford but little available aid to the Judges of the Supreme Court, while the only effect of the superior legal wisdom of the latter would be to *dumbfound* the common sense of the former. I may remark also, that the wisdom which is only to be derived from the study of the laws of England, and of the rules of practice of the Courts of that country, is not necessary to enable a Judge to administer substantial justice in other countries. On the contrary, I have somewhere seen it observed, that where a simple and rational code of procedure exists, a man of liberal education, having a knowledge of the science of jurisprudence, and a mind disciplined to habits of reflection and combination, would be essentially better fitted for the exercise of the judicial functions, than one burthened and trammelled with all the legal wisdom and knowledge of Lord Eldon.

I should fear, therefore, that any attempt to join together in one Court the learned wisdom of the King's Judges and the unlearned common sense of the Sudder Judges, in a way likely to be productive of advantage, would fail. It would be much better, I conceive, to let each work separately, giving appellants the option of submitting their cases to whichever of the two they might prefer.

(K.)

As a disciple of the Bentham school of jurisprudence, I cannot but object to the proposed mode of providing for the punishment of British subjects in the interior of the country. The difficulty and inconvenience which would attend the assembling of three Justices of the Peace to hold a sessions, where there are so few of those functionaries, is alone a great objection to the plan; and that objection derives tenfold force from the consideration that one Justice or Magistrate (if qualified) holding a sessions would get through the business to be disposed of both quicker and better than three or any greater number sitting together could do. I would prefer making British subjects choosing to reside in the interior amenable, for offences not amounting to felony, to the ordinary local criminal Courts, with the right of appealing from their sentence either to the Supreme Court or to the Nizamut Adawlut; both of these Courts being vested with power to confirm or annul convictions, and to alter sentences; and in cases in which the evidence appeared unsatisfactory, to order a new trial in the local Court *before a Jury*.

British subjects would certainly have reason to complain of being prevented settling in the interior by being made amenable to Courts not entitled to their confidence; but it would be otherwise if the local Courts afforded requisite security for justice being duly administered by them. To Courts affording that security, on whatever model they might be formed, British subjects could not more reasonably object than the natives of the country; and if any one did object, he might then be told that he was at liberty to quit their jurisdiction if he did not choose to submit to it.

I should

(L.)

I should hope Parliament would not consent to give the Government in India a *general* power of legislation, without any local check being imposed upon it. A Legislative Council, however, formed on right principles, appears to be very desirable. One thing would be essential, I conceive, to the usefulness of such a Council, namely, that the number of its members should be large; for in the making of laws, the wisdom of a multitude of counsellors cannot but be advantageous. The Chief Judge of the Supreme Court would, I should think, be a useful member of the Council; and as he could *there* exercise only legislative functions, his office being a Judge could hardly be made an objection to him. It is only on the bench that a Judge *can* act judicially, and it is only there that a junction of legislative and judicial functions seems to be possible.

(signed) *A. Ross.*

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

—No. 14.—

LETTER from *W. H. Macnaghten*, Esq., Register, Sudder Dewanny Adawlut, to
Henry Shakespear, Esq., Secretary to Government in the Judicial Department.

SIR,

Fort William, 5 June 1829.

I AM desired by the Court of Sudder Dewanny Adawlut to request that you submit for the consideration and orders of the Right Honourable the Governor General in Council the accompanying copy of a Letter, under date the 27th of February last, written by their order to the Honourable Company's Attorney, and of that officer's Reply and its Enclosure, dated the 25th ultimo.

2. It appearing to be the opinion of the Advocate General that this Court does not possess the power of punishing an European British subject for contempt of Court, and its being obviously essential to the maintenance of that respect which is due to judicial authority that such power shall be conferred, I am directed to solicit the attention of his Lordship in Council to the subject, and to suggest that such measures may be adopted as may seem expedient to Government for procuring the enactment of some legislative provision to render European British subjects punishable for contempts committed in the Company's Courts, in like manner with other individuals who resort to those tribunals for redress.

3. The Court desire me to add, that the mode of proceeding suggested by the Advocate General, namely, preventing a person guilty of contempt from acting as an attorney, and removing him from the Court, would not seem to afford them sufficient protection against insult while in the discharge of their official duties.

I am, &c.

(signed) *W. H. Macnaghten*, Register.

Sudder
Dewanny
Adawlut.
—
Present:
W. Leycester, Esq.
A. Ross, Esq.
C. T. Sealy, Esq.
R. H. Rattray, Esq.
and
M. H. Turnbull, Esq.
Judges.

(Enclosures.)

LETTER from *W. H. Macnaghten*, Esq., Register Sudder Dewanny Adawlut, to *R. W. Poe*, Esq., Attorney to the Honourable Company.

SIR,

Fort William, 27 February 1829.

1. I AM desired by the Court of Sudder Dewanny Adawlut to request that you will beg the favour of an opinion from the Advocate General on the following question :

Sudder Dewanny Adawlut.
Present: W. Leycester, Esq., Chief Judge
A. Ross, Esq. C. T. Sealy, Esq. R. H. Rat-
tray, Esq. M. H. Turnbull, Esq. Puisne Judges.

2. By Clause cxiii. of the 53d George III. c. 155, it has been declared lawful for the Court of Sudder Dewanny and Nizamut Adawlut to execute, or cause to be executed, upon all persons subject to their jurisdiction, all manner of lawful process of arrest within the limits of the town of Calcutta. By the provisions of Regulation XII., 1825, the Civil and Criminal Courts are authorized to punish persons guilty of contempt, by adjudging a fine not exceeding two hundred rupees,

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

commutable, if not paid, to imprisonment, not exceeding two months. The Court are desirous of being informed whether, under the above provisions, they are authorized to inflict the penalty in question on a European British subject, who, acting as attorney in a civil suit, or otherwise coming within the Court's premises, may be guilty of contempt, and if so, in the event of the non-payment of the fine, in what gaol the offender should be confined.

I am, &c.

(signed) *W. H. Macnaghten*, Register.

LETTER from *R. Molloy*, Esq., Acting Attorney to the Honourable Company, to *W. H. Macnaghten*, Esq., Register, Sudder Dewanny Adawlut.

SIR,

Fort William, 25 May 1829.

HAVING laid your Letter to the address of Mr. Poe, dated 27th February, and received 11th of March last, before the Advocate General, I now beg leave to forward a copy of his Opinion on the matter therein contained, received this day.

I have, &c.

(signed) *R. Molloy*,
Acting Attorney to the Hon. Company.

OPINION.

I do not think that the Statute 53d Geo. III. applies to the present case. The only question is, whether, under the Regulation cited, the Sudder Court is authorized to inflict the penalty on an European British subject. Assuredly such person is not commonly subject to a Provincial Court, held within any of the chief towns of the three Presidencies; and, upon the whole, I am inclined to think that it does not possess the power of punishing him for contempt by fine and imprisonment. I presume, however, that the Judges may prevent his acting as an attorney in the Court, and if he causes any disorder, or interrupts the proceedings, or treats the Judges with insult while in the discharge of their duty, they may remove him from the Court.

(signed) *John Palmer*.

(A true Copy.)

(signed) *R. Molloy*,
Acting Attorney to the Hon. Company.

(True Copies.)

(signed) *W. H. Macnaghten*, Reg^r.

— No. 15. —

COPIES of OPINIONS as to the Powers of the Mofussil Court to take
COGNIZANCE of Civil Suits in which both Parties are Europeans.

COPY of Mr. *Minchin*'s OPINION on Section 107th of 53 Geo. III.

"I HAVE perused the Opinion of Messrs. Fergusson and Spankie, and notwithstanding the deference which I should always be inclined to pay these gentlemen, yet I cannot on the present occasion assent to the propriety of the construction which has been put by them on the 107th Section of the 53d Geo. III.

By the preamble of the 105th Section, after reciting that British subjects resident in India without the towns of Calcutta, Madras and Bombay, were by law exempted from the jurisdiction of the Company's Courts, to which all other persons, inhabitants of the territories, &c. were amenable, it is stated, that it was expedient to provide more effectual redress for the native inhabitants, as well in the case of assault committed by British subjects at a distance from the Supreme Court, as in cases of civil controversies with such British subjects, it enacts, that in cases of assault, &c. committed by a British subject on a native, the magistrate of the Zillah shall take cognizance of the charge. The enactment of this clause, as well as the next, as to debts under Rupees 50, are undoubtedly confined to claims of natives on British subjects. But the 107th Section takes a much wider scope; it is not confined to native inhabitants (as is contended by Mr. F.), or merely to the civil controversies

troversies between natives; but it defines the jurisdiction of the Courts in the Mofussil; for it enacts, "That all British subjects of His Majesty, as well Company's servants as others, who shall reside or carry on trade, &c. or occupy or possess immoveable property at the distance of more than ten miles from the Presidency, shall be subject to the jurisdiction of all Courts which now have, or hereafter may have, *cognizance of civil suits or matters of Revenue*, and in all actions, &c., and *in all matters of Revenue*, in the like manner as natives of India" are now liable to the jurisdiction of such Courts," &c. These very general words, which are not confined by any preamble, place all British subjects residing, carrying on trade, or possessing immoveable property in the interior more than ten miles from Calcutta, on the same footing as natives of India, with respect to the jurisdiction of the Mofussil Courts. It is under this clause only that the Company could be enabled to sue a British subject for any matter of Revenue; and I doubt very much whether the Company's law officers would have ventured to have advised the Government that they, as Europeans, could not maintain their claims against other British subjects in the Mofussil Courts, especially when, if so, the Supreme Court being especially precluded from interfering in matters of Revenue, a British subject indebted to the Government on account of Revenue could not be impleaded at all. This, as it appears to me, is the necessary consequence of the argument used on the other side, and, in my opinion, confutes itself.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

COPY of Mr. Serjeant *Bosanquet's* OPINION on the same Subject.

IT appears to me, after the best consideration which I have been able to bestow upon the Statute 53d Geo. III. c. 155, and the Opinions which have been already given on the subject, that the Zillah Courts have jurisdiction in civil suits between British subjects in the cases provided for by the 107th Section of that Act.

I certainly think that the preamble, by which the 105th Section is introduced, has reference to the 107th Section, as well as to the two preceding Sections, and that the words "civil controversies" are not satisfied by the provisions of the 106th Section only.

But it frequently happens, that the enacting part of a Statute is extended beyond the scope of the preamble, and though the preamble, in a case of doubt, affords a useful guide to the intention of the Legislature, it will not be sufficient to restrain the effect of an enactment, where the words are clear, and the intention to embrace a larger field is apparent.

The 105th and 106th Sections are in terms confined to the complaints of natives; but in the 107th Section the language is changed, and a much more comprehensive form of expression adopted.

Before the passing of the 53d Geo. III. it was competent to a British subject, as plaintiff, to sue a native in the Zillah Court.

The 107th Section of the Act now provides, that all British subjects who shall reside, carry on trade, or occupy immoveable property at a distance of more than ten miles from the Presidency, shall be subject to the jurisdiction of all District Courts, having cognizance of civil suits on matters of Revenue, in all actions and proceedings of a civil nature, and in all matters of Revenue, except as therein excepted, *in the like manner as natives of India* and other persons not being British subjects *are now liable* to the jurisdiction of such Courts under the Government Regulation. By the express terms of the enactment, a British subject is made liable to suit in the Zillah Court in the same manner as a native; and if a British subject could sue a native before the Act, it seems to follow that he may sue a British subject now. The objection to this construction is, that the whole object of these legislative provisions was to give relief to natives only, leaving British subjects in the same situation in which they stood before the passing of the Act; but though this may be truly said respecting the matters of the 105th and 106th Sections, it is evident that the 107th Section contemplated something more than suits on the complaints of natives, since British subjects are rendered liable to suit in the Zillah Courts, not only in all actions and proceedings of a civil nature, but in all matters of *Revenue*, which cannot, I apprehend, relate to the demands of natives.

It has been observed, that the appeal to the King's Court of the Presidencies is only given to British subjects *against* whom suits may be brought; from which an inference is drawn, that the clause was not intended to embrace cases where British

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

subjects were plaintiffs. But to this it may, I think, be answered, that British subject plaintiff is left in the same situation as he was before the Act. If he sued a native, he must appeal to the Court having the regular appellate jurisdiction from the native Courts.

By the Statute a British subject is made liable to jurisdiction of the Zillah Court in the same manner as a native; if, therefore, a British subject would sue a British subject in the Zillah Court, he must sue him as he would sue a native, and appeal in the same way.

I can see no reason why such a decided difference of expression should have been adopted in the 107th Section from that which had been pursued in the two preceding Sections, unless a more extensive effect was intended to be given to the 107th Section.

COPY of Sir N. Tindal's OPINION on the same Subject.

I AGREE in opinion with Mr. Serjeant Bosanquet and Mr. Minchin, that the 107th Section must be considered as applying to the case of a suit in which both plaintiff and defendant are British subjects; first, From the generality of the words in that Section, by which British subjects are made subject to the jurisdiction of those Courts, in like manner as natives of India; and it is well known that natives of India were subject to the suits of British subjects in those Courts; secondly, Because they are made liable to all actions and proceedings of a civil nature, and in all matters of Revenue, and questions of Revenue can only arise between British subjects and the Government; and thirdly, Because by the 108th Section no British subject shall be allowed to sue any civil action against any person whomsoever in these Courts until he shall file a certain certificate, which shows that British subjects might maintain the character of plaintiffs, as the former Sections have shown that they might be defendants.

— No. 16. —

LETTER from the Judges of the Supreme Court at *Calcutta*, to the Secretary of the Board of Commissioners for the Affairs of *India*.

SIR,

Calcutta.

WE beg that you will submit to the Right Honourable the President and Commissioners for the Affairs of India the following Statement, with the accompanying Papers.

At the opening of the fourth Sessions of Oyer and Terminer and Gaol Delivery, in the last year, it appeared that four persons, either Hindoos or Mahometans, were in the gaol, under commitments by a Justice of the Peace, upon a charge, as to three of them, of being guilty of a burglary and larceny in the suburbs of Calcutta; and as to the fourth, of having received the stolen goods after they had been carried by the others into the town. These circumstances having been brought by the Clerk of the Crown to the notice of the Chief Justice, before whom the Sessions were to be held, some further inquiry was made, and it was learnt that two of the prisoners, at least, were inhabitants of Calcutta, and that the case had been before the Provincial Court, which had disclaimed the cognizance of it, and had delivered the prisoners to the police of Calcutta.

The practice which has prevailed here has been for the magistrates to commit no persons, except such as are alleged to be "British subjects," for trial before the Supreme Court, unless the offence has taken place within the limits of Calcutta; but the commitment in this case having been made, the Chief Justice did not see how he could discharge the prisoners without putting them upon their trial; and he directed only that the indictment of the Clerk of the Crown should state the facts in such manner that any objections which the prisoners might be entitled to take should be apparent on the record.

The prisoners were tried and convicted, and the accompanying Papers are an office-copy of the record, and a copy of the Chief Justice's notes. No doubt is entertained of the guilt of the parties; but the questions of law which are involved in the case are so important, and it has long been felt to be so desirable to have them determined, that as the prisoners had no counsel, and were not in a condition to prosecute appeal, all the Judges of the Court agreed from the first as to the propriety of submitting the case to the Board of Commissioners, in order that it might be

be laid before His Majesty's Most Honourable Privy Council as if it were an appeal, or that His Majesty's pardon might be at once obtained, according to the provisions of the 20th clause of the Letters Patent of 1774, if the circumstances should seem to call for it.

As the record stands, the question seems to be, 1st. Whether when the Supreme Court at Calcutta sits as a Court of Oyer and Terminer, its authority to try persons for offences committed beyond the limits of the town of Calcutta is restricted to the cases of those persons who are intended by the phrase "British subjects," (as that phrase is used in the Charter of the Court, and in the Statutes relating to India,) and to persons in the service of the United Company, or of some British subject, or whether the authority extends generally to the subjects of His Majesty and to persons who are in their service. 2dly. If it extends generally to the subjects, then whether persons not of British descent, who are born under the sovereignty of the British Crown in India, are included in the term "subjects," as it is used in the 13th Geo. III. c. 63, s. 14, in the Charter of the Court, s. 19, in the 26th Geo. III. c. 57, s. 29, and in the 33d Geo. III. c. 52, s. 66. 3dly. If they are included, whether any other evidence is required to raise the presumption of a native prisoner being such subject, than that of his having been, at the time of committing the offence, an inhabitant of the British territories in India.

Upon the first point, it is perhaps unnecessary to mention that the terms "British subjects" and "subjects of Great Britain, of Us, Our heirs and successors, &c." are supposed to have a peculiar signification in the Charters of the three Supreme Courts and in the Indian Statutes. Their import has never been precisely defined. It is universally admitted, that they include all persons born within the United Kingdom, or whose fathers or paternal grandfathers have been born there; and unless the Island of Bombay, by force of the Charter of Charles the Second, forms an exception, that they do not include the natives of India who are not of British origin. But it is not well understood whether they do or do not include the subjects of His Majesty born in the West Indies, Canada and other British possessions out of India, or illegitimate children born in India of British persons, many of whom are Christians, receive their education in England, and on their return to India associate with the principal classes of British society, and frequently intermarry with British persons. The prevailing opinion is, that these are not "British subjects," although an expression in the 21st Geo. III. c. 70, s. 16, seems to justify the supposition that the Legislature has contemplated both British European subjects and other British subjects not European. One of the most cogent instances of its being necessary to construe the term "British subjects" in some restricted sense, is the 98th clause of the 33d Geo. III. c. 52, inasmuch as that clause prohibits all those whom the term does include from residing at a distance of more than ten miles from the seat of Government, unless under special license. Numerous other instances of the peculiar use of the expression may be found, especially in the Letters Patent by which the Supreme Courts at Madras and Bombay have been constituted, (which in many important particulars have been varied from the Charter of this Court), and in the 53d Geo. III. c. 155, s. 101, 105, 107, 108. The 13th Geo. III. c. 63, s. 34, and the Charter of the Supreme Court at Calcutta, in s. 19, manifestly employed the words in a restricted sense; and it was therein directed that Juries should be formed of *British subjects* and *subjects of Great Britain* "of Us, Our heirs and successors," &c.; but the 13th Geo. III. c. 63, s. 14, and the latter part of the 19th clause of the Letters Patent, dropped the qualifying term "British," and provided that "subjects" generally should be liable to be *tried* for treasons, &c. committed any where within the Bengal Provinces, &c.; and the 26th Geo. III. c. 57, s. 29, makes all "subjects" who are resident in India amenable to the Courts of Oyer and Terminer for any murder or other offence committed between the Cape of Good Hope and the Straits of Magellan; and the 33d Geo. III. c. 52, s. 67, in like manner makes the "subjects" generally amenable for offences committed in the territories of Native Princes.

If a construction were to be given to the term "subjects" in these latter instances which should confine its meaning to persons of British birth or descent, the Court of Oyer and Terminer at this place would be prevented from taking cognizance of any crimes which might be committed beyond the limits of Calcutta and the factories subordinate thereto, by His Majesty's colonial subjects, or by the half-castes and other native Christians of India, or by any persons whatsoever born out of wedlock beyond the limits of the United Kingdom; and inasmuch as we apprehend that there might even now be some objections against trying the Christian

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

natural-born subjects of His Majesty upon capital charges, especially treason, in the Provincial Courts, where the Mahometan law is administered and its forms observed, it would follow, that a large class of persons in India might have an immunity from punishment for the highest crimes. But when it is further considered, that at the time the Letters Patent of this Court were granted in 1774, the Provincial Courts of criminal law were held under officers of the Native Princes, and in their names; and that neither those nor any other Provincial Courts of criminal jurisdiction in Bengal had been recognized by the British Legislature, but only the Supreme Court and the Court of Quarter Sessions at Calcutta; it seems in the highest degree improbable that the Parliament could have meant to have excepted any classes of the natural-born Christian subjects of His Majesty, who might be resident in Bengal, from a liability to be prosecuted in those two Courts for their crimes and misdemeanors. These considerations lead us to conclude, that by the term "subjects" in the 19th clause of the Letters Patent of 1774, and in other passages where it occurs without the adjunct "British," the Crown and the Parliament must have meant generally the natural-born subjects of The King.

2. If this be so, it is next to be considered whether an exception can now be made of Mahometans and Hindoos, and other Indian natives, or any particular classes of them. We are aware of the old doctrines of the Common Law respecting infidels, but they have scarcely been acted upon since the Reformation; the Court of King's Bench would not avow them in the case of the East India Company against Sandys in 1684; they were rejected and stigmatized by Lord Mansfield in the case of Campbell against Hall, in 1774; they were utterly irreconcilable with the British system of Government in India, and with many of the Statutes on which it is founded; and it seems to be impossible to maintain at present, that their religion makes the Hindoos or Mahometans incapable of the character and relation of subjects. A recent Statute gives the right and liability to sit on juries to all those native inhabitants of Calcutta, Madras, and Bombay, who are not the subjects of any foreign state.

The proposition which seems to us to afford the strongest ground for contending that the Mahometan and Hindoo and other Indian natives are not generally liable to be tried, as subjects of The King, before the Court of Oyer and Terminer, for offences committed in the Bengal Provinces, beyond the limits of Calcutta and the factories subordinate thereto, is that of their being entitled, like the inhabitants of other ceded or conquered countries, to the use and privilege of the law which prevailed in each Province at the time it came under the sovereignty of the British Crown, unless it can be shown that subsequently, by some express, positive, and pointed enactment or ordinance, the former law has been abrogated, and that, in this view of the case, it is not sufficient to show, as to natives, that they, nor even that the class to which they belong, are now subject; but that it ought to be shown that they belong to a class which, in 1773-4, was intended by the term "subjects," as it was used and understood at that time by the Parliament.

Up to and at the period when the present Supreme Court was established by the Letters Patent of 1774, which were authorized by an Act of Parliament of the preceding year, the Legislature did not explicitly declare the Bengal Provinces, nor even the settlement at Fort William, and its dependencies, to be the dominions of the Crown; and although the 13th Geo. III. c. 63, is hardly intelligible, except upon the supposition of their being so in substance and reality, yet the Letters Patent of 1774 describe the settlement at Fort William as a "factory," with other factories dependent upon it; and the rights and powers of the Company and of the British Government in the interjacent provinces, are designated by the doubtful terms of territorial acquisition or possessions; which terms have continued in use even to the present time. It is, in truth, a matter of great difficulty to show with any certainty in what relation it was that the Legislature then meant it to be understood, that the Bengal Provinces and the inhabitants of them were placed; and although large powers over Hindoos and Mahometans resident within Calcutta and the factories dependent on it, and over the "subjects" of His Majesty in the territorial acquisitions, and other powers extending generally throughout every part of Bengal, Behar, and Orissa, were given by the Letters Patent, and were left untouched by the 21st Geo. III. c. 70. yet it was not made so clear as not to have been always matter of dispute whether the Crown or the Legislature then considered that any Hindoos or Mahometans, or other mere natives on this side of India, were, properly speaking, subjects of The King; neither is it easy to determine, in any case,

case, at what periods precisely the dominion of the Mogul and other Indian Princes entirely terminated, and that of the Crown was established; but we think a fair construction of the 13th Geo. III. c. 63, and of the 21st Geo. III. c. 70, especially the 19th clause of the latter, leads to the conclusion, that even then the Legislature considered that there were native subjects; and at last the sovereignty of the British Crown over all the territorial acquisition was unequivocally asserted in 1813, by the 53d Geo. III. c. 155. We apprehend that since that time, at least, the British territories in India have been the declared dominions of the Crown, and that all persons born therein are His Majesty's subjects.

It would seem, therefore, to be necessary to state the law by which the Mahometans and Hindoos, and other natives of India, although they may be subjects of The King, yet unless they are in the service of the Company, or of some British subject, are usually considered to be exempted from the jurisdiction of the Supreme Court for offences committed beyond the limits of Calcutta. In this way the term "subjects," as used in the Letters Patents of 1774, comprehended only those classes of persons who were plainly recognized as subjects of the Crown at that time; and it had not then been declared that the Hindoos and Mahometans and other Indian natives were subjects. The latter Statutes, which have made use of the same term, with reference to the Letters Patent, or to any matters dependent on them, have used it in the same limited sense; and even so late as in the Statute 33 Geo. III. and the others which have been before mentioned, the word "subjects" means and comprehends only such classes of persons as had been claimed or recognized for subjects in 1774.

It would not, perhaps, have occurred to the present Judges of the Supreme Court to have laid down this rule of construction, if they had been called upon to look at the statutes, without any reference to usage. But it is certain that an usage has prevailed, of proceeding as if that part of the jurisdiction of the Supreme Court which belongs to it as a Court of Oyer and Terminer, did not extend to the mass of the Indian population beyond the limits of Calcutta; and it is scarcely necessary to observe, that if it did, it could not be effectually exercised. We should be at a loss, however, to say upon what legal grounds any class of the Indian natives could be considered to be not personally liable to the Court of Oyer and Terminer for crimes committed in any part of the Bengal Presidency, if it could be shown that they were of any class which in 1774 was manifestly and unquestionably subject to the Crown; and it seems to be, at the least, very doubtful whether natives of Calcutta must not have been so.

Being, however, impressed with a sense of the obligation and importance of observing cautiously every subsisting usage (which is not illegal), where the jurisdictions of two distinct and very different systems are to be experienced within the same territories, we have anxiously sought for grounds and reasons of law on which the usage which we have stated might be supported; and having pointed out the best and plainest which we are able to find, we are willing to rest upon them, such as they are.

3. If the rule we have stated be the true one, it would seem to be necessary in all cases where a party is indicted for any offence committed beyond the limits of Calcutta, to require proof, not only of his being a subject of His Majesty, but of his being of some class or description of persons who, in 1774, had been recognized as subjects, or of his being in the service of the Company or of some subject; and inasmuch as in this case there was no regular and full proof of any of the prisoners being subjects, although two of them were at the time inhabitants of Calcutta, and the others resident in the suburbs, we submit to the consideration of the Right honourable the President and Commissioners, the propriety of soliciting for the prisoners His most gracious Majesty's free pardon, according to the provisions of the twentieth section of the Letters Patent of 1774, or of laying the case, if it should be thought more advisable, before His Majesty's Most Honourable Privy Council.

From the manner in which the locality of the offence has been stated in the indictment, which contains no averment of the vicinity of Kidderpore to Fort William, it is not, perhaps, material to add, that the house in which the burglary was committed, though beyond the present limits of Calcutta, is immediately adjoining to them, and was proved at the trial to be so, and consequently is within that district of ten miles round Fort William, throughout which the jurisdiction of a Court of Oyer and Terminer was established by the Letters Patent of 1726 (the 12 Geo. I.) and within which British persons have unrestricted permission to reside. The expression

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

used in the Letters Patent of 1774, of factories subordinate to Fort William, has now no application, for all the factories are merged in dominion.

It is, no doubt, needless for us to crave the attention of the Right honourable the President and Commissioners to the painful difficulties which are connected with the unsettled and vague state of the laws under which the Court has to exercise, in the provinces, a jurisdiction in some cases concurrent, and in others conflicting, with that of the Provincial Courts; so that, in instances of the highest degree of criminality known to the law, it may chance to be the intricate question, whether a culprit is amenable to this Court or to others; and with respect to those Christian persons, born or residing in the provinces, who are not British, according to the interpretation put on that term, there are some who maintain the opinion, that for any offences above the degree of a misdemeanor, they are not amenable to either jurisdiction; and there are others who hold that a man may be amenable only to our Court as a British, whilst his wife, as a half-caste Christian, may be amenable only to the Provincial Courts, or *vice versa*.

We are sensible that it is no right of ours to make or even to suggest alterations of the laws, but to administer them as they are. We hope, however, that we have not done more than was called for on this occasion by adverting to the perplexities which in some instances have arisen out of the present imperfect provisions, and of which the progress of time, the general understanding of the sovereignty of the Crown, the increase of the European and native Christian population, and their dispersion through the provinces, have a tendency to make a recurrence more frequent. We shall be at all times ready to suggest the best remedies that we can think of, if it is desired that we should do so; or in any other way in which it is possible for us to render assistance in correcting what is defective, our utmost endeavours may be commanded. In the mean time we shall continue to do the best we can with the law as it is.

We would gladly have spared the Right Honourable the President and the Commissioners the trouble of taking this case into their consideration, but many circumstances, and some of recent occurrence, appear to us to make it necessary for the due administration of justice, that the relations in which the native subjects stand should be rendered as free from doubt as possible; and many reasons have satisfied us that this cannot be effected to any good purpose, except by a reference of the matter home. If more delay has taken place in the present case, than was to be desired, we hope it will be attributable to its true cause, the anxiety which we have felt to state with caution the conditions of the important question of which we seek a resolution.

The occurrences which have taken place at Bombay, though they have increased our anxiety in preparing this statement, are not so connected with the case as to depend

(Form, No. 5.) - - - - -

ABSTRACT STATEMENT of PRISONERS ACQUITTED by the Judge of the Court
Calcutta for the Monthly

1.	2.	3.	4.	5.	6.	
No. of Calendar.	No. of Prisoners.	Names.	Sex.	Age.	Religion or Castes.	Profession.
1	1	Khodabuksh.	Male.	55.	Moossulman.	Khansamah.
	2	Saduldolah.	ditto.	27.	- - ditto - -	- - ditto - -
	3	Shallaroo.	ditto.	28.	- - ditto - -	- - ditto - -

Belvidere, 11th August 1828.

depend on the decision of it; the present question being confined to the jurisdiction of the Court of Oyer and Terminer, and that which has arisen at Bombay, relating, as we apprehend, to the powers of the Court there as a Court of King's Bench.

We are, &c.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

— No. 17.—

CORRESPONDENCE with the Nizamut Adawlut and the Magistrates of the Suburbs of *Calcutta*, respecting Khodabux, Saduttoolah and Challaroo; marked (A. B. C. D.)

(Judicial Department.)

(A.)—LETTER from *H. Shakespear*, Esq., Secretary to Government, to *W. H. Macnaghten*, Esq., Register of the Nizamut Adawlut.

SIR, Council Chamber, 16 June 1829.

I AM directed by the Right Honourable the Governor General in Council to request that the Court of Nizamut Adawlut will report the particulars of the case noted in the margin, in which the prisoners were acquitted by the Judge of Circuit for the division of *Calcutta* at the gaol delivery of the suburbs of *Calcutta* for the monthly sessions of June 1828.

Khodabuksh, Sadutoollah, Shallaroo, prisoners ; charged with burglary and theft, and participating in the division of the plundered property.

2. It appears from the Form, No. 5, which accompanied your Letter, dated the 15th of August 1828, that there was no proof against the prisoners, and that the proceedings were submitted to the Nizamut Adawlut for their final sentence on another prisoner named Ashgur Kharsamah.

The Governor General in Council desires to know whether any, and what, orders were given for transferring the above-mentioned prisoners to the custody of the magistrates of the town of *Calcutta*, as he understands they were afterwards committed to take their trial before the Supreme Court, and were convicted of the burglary charged against them.

I am, &c.

(signed) *H. Shakespear*,
Secretary to Government.

(A true Copy.)

(Form, No. 5.)

of Circuit for the Division of *Calcutta*, at the Gaol Delivery of the Suburbs of Sessions of June 1828.

7. 8. 9. 10.

Crime charged, and when alleged to have been committed.	Acquitted for want of Proof of Guilt, or on clear Proof of Innocence.	Sentence of the Court of Circuit, when passed.	EXPLANATION and REMARKS.
-- Burglary and theft, and participating in the division of the plundered property.	For want of Proof of Guilt.	20th July 1828.	-- There was no proof against the Prisoner, as appears by the Proceedings, which have been submitted to the Superior Court for their final Sentence on the Prisoner, Ashgur Khan-samah. <i>Vide</i> Letter, dated 2d July 1828.
- - ditto - -	- - ditto - -	- - ditto.	
- - ditto - -	- - ditto - -	- - ditto.	

(signed) *Robert Brown*, Third Judge.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

(B.)—LETTER from *W. H. Macnaghten*, Esq., Register of the Nizamut Adawlut, to *Henry Shakespear*, Esq., Secretary to Government in the Judicial Department.

SIR,

Fort William, 26 June 1829.

Nizamut Adawlut.
Present :
W. Leycester, Esq.
A. Ross, Esq.
C. T. Seally, Esq.
R. H. Rattray, Esq.
and
M. H. Turnbull, Esq.
Judges.

I AM directed by the Court of Nizamut Adawlut to acknowledge the receipt of your Letter, dated the 16th instant, requesting to be made acquainted with the particulars of the case of Khoda Buksh and three others, who were charged with burglary and theft, and receiving plundered property; three of whom were acquitted at the gaol delivery of the suburbs of Calcutta for June 1828, and the fourth of whom, namely, Ashghur Khansaman, was released by the order of the Nizamut Adawlut, under date the 16th of July last.

2. In reply, I am directed to submit the accompanying Copy of a Letter of reference which accompanied the proceedings sent by the late Third Judge of the Calcutta Court of Circuit for the final order of this Court, from which his Lordship in Council will perceive that the prisoner Ashghur was acquitted of the burglary by the Court below; and with respect to the receipt of plundered property, of which offence the law-officer of the Court of Circuit declared him convicted, a reference was made to this Court on a doubt as to the jurisdiction.

3. On reference to the Persian proceedings, it appears that there was no evidence to the actual commission of the burglary against any of the prisoners forthcoming before the Court of Circuit; that suspicious property was found in the house of Khoda Buskh, though it turned out to be his own, from the evidence of the witnesses examined. It appeared also, from the deposition of one Ahmud Khan, that the prisoners, Ashghur and the rest, were seen in the house of Buksh Khoda, in Colingah, selling the plundered property to Mooteram, who borrowed from one Jughohum the money to pay for it. This Jugmohim deposed to having sent to Moteeram a 100 rupee bank note (No. 2,916); and a note of the same number was deposited by Ashghur with one Chedam Dutt, as appeared from the evidence of the said Chedam. This circumstance, together with the fact of the plundered property being found in the house of Moteeram, was held sufficient to bring home the criminal receipt and disposal of the property to Ashghur.

4. I am directed to add, with reference to the last paragraph of your Letter, that the Court did not issue any orders for transferring the prisoners to the custody of the Magistrates of the town of Calcutta, the whole of them having been acquitted of the burglary by a competent authority; and the case of Ashghur, as involving the charge of participating in plundered property, having been referred solely on the question of jurisdiction. This point having been determined in favour of the prisoner, and the Judges by whom the case was revised considering that all the proceedings held in regard to Ashghur were null and void, they were of opinion that he was entitled to his release, which was ordered accordingly, without reference to the guilt or innocence of the prisoner; which question was not entered into by the Nizamut Adawlut.

I am, &c.

(signed) *W. H. Macnaghten*, Register.

LETTER from *R. Brown*, Esq., Third Judge of the Calcutta Court of Circuit, to *W. H. Macnaghten*, Esq., Register of the Nizamut Adawlut, Fort William.

SIR,

Belvidere, 2d July 1820.

Calcutta Court of Circuit.—Suburbs of Calcutta, Trial, No. 1, of the Calendar of the Monthly Sessions of June 1828. Bebee Het, alias Muss. Barmoo, *versus* Asghur Khansamah.—Charge: Burglary and Theft, and participating in the division of the plundered property.

I HAVE the honour to transmit, for the consideration of the Nizamut Adawlut, the trial noted in the margin.

2. The prisoner Asghur was committed for trial, along with three others, who had been released, as an accomplice in a burglary committed within the suburbs of Calcutta, and for participating in the division of the plundered property.

3. I concur in the Futwa of the Kazee of this Court, which acquits him of the burglary, and convicts him of having had stolen property in his possession, knowing it to be stolen; but as the evidence proved his possession of the property at

at Colinga, within the limits of the town of Calcutta only, and not at any place within the jurisdiction of this Court; I do not think myself competent to pass sentence, and therefore transmit the proceedings for the orders of the Nizamut Adawlut.

4. I beg to remark, that Moteeram Zurgur, to whom the property was sold, and in whose house at Colinga it was found, was not committed, on the ground of his not being liable to be tried out of Calcutta. He asserted before the Magistrate, that the property was his own, and named witnesses to prove that assertion, whose examination would have rendered the evidence respecting Asghur more complete; but I did not think it necessary to postpone the trial for their attendance, being perfectly satisfied that this Court had no jurisdiction in the case.

I am, &c.

(signed) *R. Brown*, Third Judge.

(A true Copy.)

(signed) *W. H. Macnaghten*, Register.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

(C.)—LETTER from *H. Shakespear*, Esq., Secretary to Government, to the Acting Magistrate of the Suburbs of Calcutta.

SIR,

Council Chamber, 7th July 1829.

AT the June Sessions of 1828, three prisoners, noted in the margin, were tried and acquitted by the Third Judge of the Calcutta Provincial Court, and the proceedings in regard to a fourth prisoner, named Ashgur Khansamah, were referred for the final sentence of the Nizamut Adawlut, by which Court he was released on the 16th of July last.

Khodabuksh, Sadulullah, Shal-laroo, charged with burglary and theft, and participating in the division of the plundered property.

2. As it appears that the prisoners were afterwards tried before the Supreme Court, I am directed by the Right Honourable the Governor General in Council to desire you will report whether the prisoners were transferred to the custody of the Magistrates of Calcutta, and if so, by what authority and upon what grounds.

I am, &c.

(signed) *H. Shakespear*,
Secretary to Government.

(D.)—LETTER from *J. Thomason*, Esq., to *Henry Shakespear*, Esq., Secretary to Government, Judicial Department, *Fort William*.

Fouz' Adawlut, Suburbs of Calcutta,
13 July 1829.

SIR,

IN reply to your Letter to my address, dated the 7th instant, I have the honour to report the following particulars:—The three prisoners, Khudabuksh, Sadutoollah, and Challaroo, were released, agreeably to the Circuit Judge's orders, on July 5th, and Ashgur Khansamah on July 31st, in compliance with the orders of the Nizamut Adawlut. On their release they were sent by the Magistrate to the Calcutta police, that investigation might be made into their character, as they were inhabitants of the town. The Magistrate also conceived that their presence would be necessary in the trial of Mootee Ram, who had previously been sent to the police for the investigation of a crime which he was accused of having committed within the precincts of the town.

I have, &c.

(signed) *J. Thomason*,
Offr Magistrate.

—No. 18.—

V.
Legislative
Councils;
Courts of Justice
Code of Laws.

MEMORANDUM on the RECORDER'S COURT at *Singapore, Malacca, and Prince of Wales Island*, by Mr. R. Fullerton.

THE Revenues of these Settlements generally will be found much reduced this year, the causes of which are as follows : The Grand Jury at Singapore having made a presentment against the Gambling Farm, that item ceases of course, and reduces the Revenue by 71,200 rupees. The same cause reduces the same item at Malacca 9,598 ; for though the Jury did not present, the Judge in his speech declared it illegal. The other farms at Singapore were sold for the year ; but for the principal one, the Opium Farm, the biddings have fallen considerably, under the idea entertained by the people, that gaming is not worse than smoking opium, and that the farm will be, like the other, presented by the Jury in the course of the year. Another inducing cause of reduction is the difficulty of punishing breaches of the Farm License. It has hitherto been and is done now by the Magistrates, *who are civil servants* ; but such is understood not to be strictly legal, and fears are entertained that that mode of proceeding will be discontinued. The principal farms at Prince of Wales Island have also been sold far under their usual amount. The causes are very clear. The punishment for breaches of the Farm Regulations used to be enforced by simple application and proof before the Magistrates. This has, at Penang, been declared illegal by the present Recorder. A suit in Court is necessary in every case ; and such is the difficulty, delay and expense of such a process, that the renter can hardly resort to it. Several suits were brought on last year, under the assistance of the Government Law Agent, in order to establish by a decision the legality of the tax under Act 54 Geo. III. cap. 105, as being a tax existing and in operation at the date of the Act ; but they all went off before coming to the merits, on some technical informality in the process. I always anticipated a great loss and difficulty in collecting the Revenue, as the result of the first holding of the Court at Singapore before the professional Judge, because the people were for the first time to see a separate and distinct authority from the Government set up, through whom alone Revenue demands can be enforced. In the case of the lands and grounds, for example, they were all made over to the present occupants, on documents called "Location Tickets," which declared the land *subject to such terms and conditions as might hereafter be imposed*. The process going on has therefore been to call on the Location Tickets, measure the ground regularly, and then give the permanent lease, subject to a quit rent settled with reference to situation. Until this process has been gone through, it was not usual for the occupier to pay rent. The substitution, however, of the permanent lease for the Location Tickets, has been going on under the authority of the Executive Government, and of course the Revenue from the quit rents has been gradually increasing. The case is now changed ; the holders of the Location Tickets and of the lands finding the legal process under the intervention of the Court a previous measure, decline receiving the leases and paying rent, and hold on free until compelled by law ; and we shall probably have to file many thousand writs of ejectment, when there would not have otherwise arisen a question of doubt. Here again we are to inquire, under what rule or law are such questions to be tried ? And this brings me to the explanation of the radical cause why Revenue cannot be raised in these eastern countries. On the continent of India, the Governments are invested with legislative power, and that power is exercised in prescribed form, by the enactment and promulgation of laws registered in the Judicial Department, under the term of Regulations. Those Regulations, besides providing for the forms of administering justice, define the relative rights of the Government and the subject, and prescribe the mode under which those rights are to be inferred, on the one part, maintained on the other, by application to local Provincial Courts, bound to act according to those Regulations. The Supreme Courts have no jurisdiction in any matters of Revenue, or the collection thereof. In the Revenue Department, public officers hold summary powers of enforcing, in the first instance, all demands, whether for payment of arrears, ejecting from lands unduly held, leaving the *onus prosequendi* on the party supposing himself aggrieved, distraint when no arrear is due, or ejectment from lands properly belonging to him. It is only under the exercise of the summary process that the collection of the Government Revenue in India is insured. In these eastern settlements the Government has no power of framing those legislative provisions. There does not, therefore, exist any distinct and clear definition of relative rights, or prescribed mode of enforcing

enforcing and preserving them. There are no Provincial Courts acting under local law. Government possesses no power of enforcing its demands. The Court administering justice as a Revenue Court is a King's Court, framed on the English model, and taking the common law of England as its guide. Questions of Revenue, therefore, whether arising from land or excise, fall to be tried under principles that have no relation or resemblance to the local situation of the country and its inhabitants. Before demands can be enforced, legal process in all the English forms must be resorted to; writs of ejectment must be sued for; suits entered for arrears; delays, expenses, doubts and difficulties arise that render it easy for the people to evade the payment of all demands, and induce the officers of Government rather to abandon the demand, small in individual cases, though considerable in the aggregate, rather than encounter all the difficulties and go through forms which they cannot understand. Let us suppose, for example's sake, that the Supreme Court at Calcutta were at once declared the only Revenue Court; that every arrear of Revenue, every question resulting from its collections or the occupation of land, were to be tried there in the first instance, under all its forms; would it be possible to realize the land Revenue? Yet this in a small way is exactly our case. Singapore, indeed, is of recent acquisition, and the titles hitherto given have been in English form; but even at Singapore there is much land occupied without any title whatever; and unless something is done by regular enactment, possession will make a title, as it has done in this Island, from the neglect of the local authorities. But how are we to regulate decisions at Malacca? There the sovereign right is one-tenth of the produce; the Dutch made over the right to certain of the inhabitants more than 100 years ago. This Government, by way of insuring increase of cultivation and introduction of population, redeemed the right. How are we to levy the tenth, if refused? The land tenures at Malacca bear no analogy or resemblance to any English tenure; yet by such they must, in case of doubt, be tried. Regulations adapted to the case have indeed been sent to England, but until local legislation is applied, and the mode of administering justice better adapted to the circumstances of the place, it seems to me quite useless to attempt the realization of any Revenue whatever.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Prince of Wales Island, }
18 May 1829. }

(signed), R. Fullerton.

— No. 19. —

LETTER from the JUDGES of the SUPREME COURT at *Calcutta* to the
GOVERNOR GENERAL in COUNCIL, &c. &c. &c.

Garden Reach, Calcutta, 2 October 1829.

RIGHT HONOURABLE LORD, AND HONOURABLE SIRS,

THE important communication which was made to us by your Letter of the 14th of July, and by the numerous Papers which accompanied it, has required, up to this time, all the attention which, consistently with our duties in the Supreme Court, we have had it in our power to give; and in order that our views might be more fully and freely stated, we have thought it best that each of us should state his own separately. If any part of them should require further explanation or development, we shall be happy to receive any additional communications which it may be your pleasure to make; or, if the expression of our concurrence in measures of the Government be desired, we shall be at all times willing to submit any representations to the authorities at home which may be in accordance with our opinions, as they are expressed in the documents which accompany this Letter.

We are, &c.

Chas Edw^d Grey.
John Franks.
Edw^d Ryan.

— No. 20. —

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

MINUTE by Hon. Sir *Charles E. Grey*; dated 2 October 1829.

1. THE propriety of submitting to the authorities at home the formation of a Legislative Council in India, is the main subject on which the Judges are invited to give their opinions by Letter from the Governor General in Council of the 14th July 1829. At present, three distinct powers of legislation are vested by express enactment in the Governor General in Council, and the Governors in Council of the other Presidencies. The 13 Geo. III. c. 63, ss. 36, 37; the 39 & 40 Geo. III. c. 79, ss. 18, 19; and 47 Geo. III. sess. 2, c. 68, ss. 1, 2, purport to empower the Governor General and Governors in Council, for the good order and civil government of the settlement at Fort William, Madras, and Bombay respectively, and all places subordinate thereto; to make any regulations not repugnant to the laws of the realm, and to enforce them by reasonable fines, forfeitures, and corporal punishments: but such regulations are not valid, unless the Supreme Court of the Presidency will register them. An appeal lies against them to The King in Council; and even without appeal, they may be set aside by His Majesty, under his sign manual. The 21 Geo. III. c. 70, s. 23, and the 37 Geo. III. c. 142, s. 8, the 39 & 40 Geo. III. c. 79, s. 11, and the 47 Geo. III. sess. 2, c. 68, s. 3, give a power to the Governor General in Council, and Governors in Council, which in the first Statute is limited to the regulation of Provincial Courts, with a proviso that the expenses of the suitors shall not be increased.

See also 39 & 40 Geo. III.
79. 20.
(signed) C. E. G.

If the 21 Geo. III. 70. s. 23,
applies to them generally,
they may not only be dis-
allowed by His Majesty in
Council, but amended.
(signed) C. E. G.

But in the 37 Geo. III. c. 142, s. 8, the same power is mentioned as a power of making "a regular Code," affecting the rights, persons and property of the natives and others amenable to the Provincial Courts. These laws also, I suppose, may be disallowed by His Majesty in Council; but they are not directed to be registered in the Supreme Court, and in practice, I apprehend, are from time to time altered, according to orders from the Court of Directors and the Board of Commissioners for the Affairs of India. Lastly, by the 53 Geo. III. c. 155, ss. 98, 99, 100, the Governor General and Governors in Council in their respective Presidencies, with the sanction of the Court of Directors, and of the Board of Commissioners, may impose duties and taxes within the towns of Calcutta, Madras, and Bombay; for the enforcing of which taxes, regulations are to be made by the Governor General and Governors in Council, in the same manner as other regulations are made; which manner, as I have shown above, is twofold; and the Statute supplies no further directions to the Governor General and Governors in Council to guide them in their choice between the two courses. For the levying of fines and forfeitures for breaches of these regulations, the Advocates General of the Company are directed to file informations in the Supreme Courts and the Recorder's Court at Bombay; but the Recorder's Court has since been abolished; and in the Letters Patent by which the Supreme Court has been substituted in its room, it is declared that the Court has no jurisdiction in any matters of Revenue either within or beyond the limits of the town of Bombay. Besides these three powers of legislation, a general power of altering the Revenue and of imposing new taxes has been exercised within the provinces, and is alluded to more than once in Acts of Parliament; but as there is no Act which expressly confers it, I suppose it rests on the grant of the Dewanny, and on those Statutes by which general powers of Government and of ordering the Revenues have been given or continued to the Company for limited periods.

2. These powers cannot be said to be remarkably well defined. The exercise of one of them has been extensive, beyond what seems to have been at first foreseen by the Legislature; and it is not that which in 1773 was designed to be the only one, which has in fact been the most considerable. That which was established by the 13th Geo. III, c. 63, has been almost a barren branch; and that which was given in 1781 expressly for the purpose of making limited rules of practice for Provincial Courts, has produced a new and extensive system of laws for a large portion of the human race. I do not mention this with any purpose of blame. I do not doubt that in most respects the results have been beneficial, and perhaps the course which has been pursued could not have been avoided; but it may be doubted whether the Parliament would approve of its being infinitely extended exactly in its present direction. That large powers of legislation must continue to be exercised in India, will scarcely be questioned by any one who will look into the
many

many volumes of regulations which have been made by the Governor General in Council in the last five and thirty years. What a variety of subjects are comprised in them to which it would have been a hopeless task to have solicited the attention of the British Parliament! But the question is, to what extent and in what manner may a subordinate power of legislation be best established? The most limited form in which this question presents itself, is, whether it would not be better that those regulations, which not only the law, but usage, now requires to be registered by the Judges of the Supreme Court, should be passed in a Council at which they or some other persons appointed by the Crown or Parliament should assist; and I have not much hesitation in saying that it would be better. It is desirable to keep the judicial branch of Government in a great degree distinct from the legislative; but the separation of these two is not of so much importance as that of the judicial from the executive; and a complete insulation of any one of the three persons is a refinement of government which has never yet been attained, probably never will be, and if it were possible, would not, perhaps, be beneficial. The King, who is an integral part of the British Legislature, can, of himself, in almost any case, take away the effect of a sentence of any Court of criminal jurisdiction in England. The House of Lords, which is another integral part of the Legislature, is also the highest Court of appellate jurisdiction, and has a capacity of original jurisdiction in some criminal cases. By bills of attainder and pains and penalties, the whole Legislature at times has acted with all the powers of a Court of penal Justice, and with some more. The Welsh Judges, the Master of the Rolls, the Master in Chancery, and the Judges of the Ecclesiastical and Admiralty Courts may sit in the House of Commons; the Lord Keeper and all Judges who are Peers sit in the House of Lords. The Twelve Judges are called upon to declare the law in that House, as well as in the Three Courts at Westminster; and they can scarcely so restrict their opinions as not to influence in some degree questions of expediency as well as law. The King in Council is, for many purposes, both the Legislature and the Appellate Court of Judicature for several of the Colonies: and in Canada and Ceylon and New South Wales, and at the Cape of Good Hope, I believe that Judges are members of Legislative Councils constituted under recent Acts of Parliament. It seems to me, therefore, that there is nothing to prevent the Parliament, if it should think fit, from imposing upon the Judges of the Supreme Courts in India the duty of assisting to form the regulations, on the legality of which they are even now required to decide before they have any force. For the expectation that some inconveniences might be prevented, and that advantages might be obtained by the Judges assisting in this way, many reasons are to be found in the lame results of the existing arrangement; in the questionable legality of some of the regulations, and especially in the history of the Stamp Regulation, which must be fresh in the recollection of the Government: but I am aware also of certain inconveniences which would be peculiarly connected with the introduction of the Judges of the only Court in which British law is administered into a Legislative Council, which must of necessity be subordinate not only to British legislation, but in many respects to British law. Incongruities of relation between the ordinances of any subordinate Legislature and the primary laws of the United Kingdom might be overlooked or misapprehended in a Council, even though Judges might belong to it; and these being afterwards ascertained by the keenness and vehemence of public censure, the Legislative Judges might have as Judges to condemn what as legislators they had sanctioned or recommended. In other instances, where the legality of a regulation might be merely doubtful, they would be suspected of an inclination to support the work of their own hands. To avoid, at all events, the possibility of the Judges being compelled against their will, by a majority in the Council, to pass any regulation which might be justly liable to such objections, it would seem to be almost necessary that they should retain amongst them that power of prevention which they now possess by means of their right to refuse registration. If the Supreme Court, however, were to become a Court of only appellate jurisdiction, there would be less objection than at present against any legislative functions of the Judges. Upon the whole, I express my opinion, that it would be better that the Judges should assist in Council in passing regulations, than that they should have only, as at present, the right of directing or forbidding the registration of them; but that in some way or other they ought, in that case, to retain the power of preventing the Council from passing regulations incompatible with the basis of any laws which, as Judges, they might afterwards have to administer.

3. This opinion, inasmuch as it applies only to those regulations which in usage have been confined to the town of Calcutta, covers but a small portion of the

V.
Legislative
Councils;
Courts of Justice
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

subject offered for our consideration. Ought there to be in India one or more legislative bodies for all India? What limits ought to be put to the power? Should it deal with every thing which is the subject of law? Should it legislate for all classes of persons? To what review should its ordinances be subjected? Of what persons should it consist? By whom should they be appointed? For what periods of time? What rights and powers should each of them possess?

4. That there must be a power in British India of passing some sort of regulations for every part of it, seems to be indisputable. The first and most obvious limit of such a power is, that it should not make any ordinance inconsistent with any Act of the Imperial Parliament applying to India. Another is, that the power must not extend to the alteration of any part of the unwritten law of the British Constitution, on which depend the relations of British India or its people with the United Kingdom. It must not in any way vary the law of treason, or affect any rights of the Crown or of Parliament, or those which may be derived by any foreign state from treaties entered into by them with the British Crown. Some other specific limitations would probably occur upon further consideration of the subject; but I have no reluctance to declare my opinion, that by a general and vague prohibition against enacting any thing "repugnant to the laws of the realm," an Indian Legislature must be so embarrassed as to be incapable of acting with any good effect. Those words, which

See Black. Comm. 108. Rymer's Fœdera, xvii. xix. Edward's Hist. of the West Indies, vol. ii. p. 321. vol. iii. p. 288. Stoke's Colonial Law, 14. 21, 22, 23. 27. 155. Campbell, v. Hall, 20. St. Tr. 249. In the American Colonies, the words, "as near as conveniently may be agreeable to the laws and statutes of the Kingdom," were in some instances substituted. Edward's Hist. of W. I. vol. iii. 364. Stoke's Colonial Law, 251.

(signed) C. E. G.

are employed in the 13 Geo. III. c. 63, s. 36, had long before been used as limitations of legislative powers granted to Governments in the American and West Indian Colonies; but in some instances they have been afterwards abandoned; in others they have been disregarded; and in others they have been productive of embarrassment and confusion. They are so loose that no two lawyers construe them in the same sense. Some will affirm that any wide difference is a repugnancy; others, that no two laws which can exist are repugnant to each other; some, that we may not make regulations *præter legem*; others, that they may be made *præter*, but not *contra, legem*. These points were contested before the Privy Council upon Mr. Buckingham's appeal against the Press Regulations; and after the Supreme Court at Calcutta and the Privy Council had decided that the regulation at Calcutta was not repugnant to the laws of the realm, it was decided that it would be repugnant at Bombay by Sir Edward West; than whom there never was a Judge of purer integrity, nor usually of a more accurate perception in matters of law. If we construe these words as meaning only an incompatibility with some primary law or some statute of the United Kingdom, applying to the place in which any new regulation may be proposed, it is not easy to bring within the limitation which they would impose, the laws passed in the American Plantations and in the West Indies, by which the slavery of negroes was constituted, and Christian men and women, down to a very recent period, were bought and sold in markets, and were either inherited as real estate, or were bequeathed by will as part of the live stock of the testator. Yet those laws were not only permitted to stand, but on several occasions, in the course of the eighteenth century, were taken by the British Parliament as the basis of additional laws; and all persons are bound to consider that they were not incompatible with the laws of the realm. It has for some time been known to the Parliament that in this country the Government have felt themselves obliged to permit women to burn themselves to death, and others to assist them. It is clear also that no legislation for India could at present be applied to the Mussulman or Hindoo population without acknowledging the usage of polygamy amongst them, and the rights of inheritance resulting from it. Other instances might be adduced, but these, perhaps, will be sufficient to show, that the due consistency of Indian law with the law of the United Kingdom cannot be provided for by loose and general prohibitions of repugnancy between the two; but that it ought to be secured by specific limitations of the subordinate legislative power.

5. It seems to me desirable, that within this Presidency, at least, there should be but one Legislative Council, and that its power of legislation should extend to all persons as well as places. I do not mean that it would be possible at once, or within a given time, to subject all persons or places to the same law; but approaches might be made towards that distant end: and in the meantime the troubles produced by different streams of law running in adverse directions within the same channels, might be more easily managed than at present. The maintaining of
British

British law, and the rights of the British Crown, and of British persons, by one sort of legislation, whether it be in or out of India, and of Hindu and Mahomedan institutions and the supposed interests of the Company, and of the Hindu and Mahomedan inhabitants of the province by another, only perpetuates the confusion and disorder of the system which comprehends these unreconciled elements. Rather than that so many sorts of law should continue to work together in the same places, I would prefer to see each Presidency divided into two or more districts, in each of which there should be a different but a single and uniform system of Regulations. A district extending fifty or sixty miles round Calcutta in every direction might be a country large enough at present for the permanent residence of any British capitalists or adventurers who might be permitted to establish manufactories, or to superintend any other speculation or establishment; yet not so large but that a journey of less than four-and-twenty hours would bring a person from its extreme limit to the capital. Within this circuit might be established for all persons the law which is now administered by the Supreme Court. It is far from being merely English law, and is the only law in Calcutta whether for British persons, Hindus, Mahomedans, or any others. In the bulk of the provinces, the Regulations of Government, and that system of law which is administered by the Sudder Dewanny and Nizamut Adawluts, might be the sole law of all persons who might choose to be the inhabitants thereof; and in other provinces, if it were necessary, some modification of this latter system, or martial law, if severe necessity should require it, might be established or discontinued by proclamation. I am aware that the first thought which will strike many persons upon this suggestion will be that of "the Irish pale;" but from the difference of the time, place and circumstances, and improved principles of Government, I should expect the immediate consequences to be very different. I offer the suggestion only as something less inconvenient than the present state of the laws in India, and as a temporary expedient; and if it were to be adopted, it would be necessary to provide, by specific Regulations, for the execution within each district of the process of the Courts of the other. An active and efficient Legislature, with powers extending over all persons and places, would make it unnecessary to resort to any such measure; but, on the other hand, it may be doubted whether the present state of things, which I believe to be unexampled in the history of the world, can last much longer. Throughout the greater part of India there are to be found some individuals at least of four distinct classes, each of which is supposed to live under a distinct system of law, and to have different rights and different duties, but none of them accurately defined. There are persons born in the British Islands, Hindus, Mahomedans, Asiatic Christians, and besides all these, there are in many parts, foreigners and subjects of Great Britain, who have been born neither in the British Islands nor in India, as to whom, I believe, there is no one who, consistently with usage, can say, with any just confidence, what law it is which applies to them. Hitherto it has been possible to make a shift; but as the native Christians, British and Colonial persons, and foreigners shall increase in numbers and pervade India, a result which must gradually take place, matters may be brought to such a pass as would scarcely be tolerable.

6. By every one who is at all acquainted with India, it will be felt at once, that in forming a Legislative Body, all notions for a time, beyond the foresight of man, must be excluded of any election by any class of the people, and for the present, of the admission of any Indian persons. The utmost which can be expected now is, that a Legislative Council should include persons of the British class, who would feel it to be their duty and inclination to look to the preservation, in their due proportions, of the rights of the several bodies politic in whom the sovereignty and powers of Government are vested, and to the promotion of the common interest of all classes of the people, and of the several interests of each, and who might be expected to be able to supply the various information which would be required in legislating for such a subject matter, and such complicated relations as India and its people present. There might be first the Governor General and his Council. Secondly, either the existing or some former Judges of the Supreme Courts, or some other English lawyers; and these ought, not in name only, but in reality, to be selected by the Crown. Thirdly, the Bishop of Calcutta, or in his absence, the Archdeacon, unless some of the considerations, which I have before suggested, should be thought to be inconsistent with the Bishop's taking a part in the general proceedings of the Council. Fourthly, one or more of the civil ser-

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

vants, learned in Mahomedan and Hindu Law, and familiarly acquainted with the Government's Regulations, the habits of the Natives, and the institutions through which the provinces are governed ; these might be nominated from time to time by the Governor General. Lastly, it seems to me desirable that the Governor General should have a power and option of appointing annually one merchant or planter, being a natural born subject of the King, of substance and respectability, and who should have resided at least five years in India. Under these arrangements there would probably be found in every member of the body respectable talents and acquirements ; in all (unless it might be some one newly arrived in the country) a considerable knowledge of Indian affairs ; but especially in two out of the four Members of Council and in the other civil servants, by whom also, and by the Judges or English lawyers, sufficient legal information ought to be supplied ; each of the others would bring his peculiar store of experience and knowledge. In all there might be a tolerably impartial regard to the interests of all classes of persons ; but as the Government of India is at present constituted, it might be expected, perhaps, that it would be the inclination, and peculiarly in the power of two of the Members of Council and of the other civil servants, to watch over the rights and interests of the Hindu and Mahomedan population and the East India Company ; of the Judges or English lawyers to guard those of the Crown and of the British population, of which the trading interests might be further attended to by a member appointed annually from that class. In addition to a general charge of Ecclesiastical affairs, and of Christian institutions for the promotion of knowledge and religion, the Bishop might be expected to extend his especial care to the class of native Christians. The Governor General would regulate the whole ; and he alone ought to have the power of appointing the meetings of the Council for Legislative purposes, and certainly ought to have a "*veto* ;" but for the reasons stated in Paragraph 2, it seems to me that the Judges, or other English lawyers appointed by the Crown, ought amongst them to possess a similar power, or that of suspending a Regulation until the authorities in England could be consulted in cases in which any primary law of the United Kingdom should appear to be violated. Indeed, whilst the Government of India rests upon its present basis, that of a temporary possession of the territories and revenues of the East India Company, it is neither probable nor desirable that the Crown should ever consent that the members of a Legislative Council appointed by the Company, should have the power of altering the constitution of the King's Courts, in opposition to the opinion of the Judges. Whatever may be the use of the Supreme Courts in other respects, their existence, whilst the Government of India is moulded in its present form, is preservative of the dormant rights of the Crown ; a vast and delicate matter which I do not wish to bring into discussion.

7. The most important, perhaps, of all considerations connected with this subject is that of the review to which all the acts of such a Legislature ought to be subjected from time to time, and of the control to which it ought to be liable at all times. It is an extremely inconvenient plan to send the scheme of a law to take two voyages of 14,000 miles each, and to be approved of in England before it is to have effect in India ; but it is still worse if it has subsequently to be tendered in India for registration. It might be provided, that every act of an Indian Legislative Council should, within one month, be sent to the Court of Directors and the Board of Commissioners, and that in the *next* Session after the receipt of it in England it should be laid before Parliament ; and that the Court and the Board should have the power of repealing it within one year from the time of its having been made, but with a proviso that all persons should be saved harmless for any acts done under the Regulation before notice of its repeal should have been given in some specific manner. But a far more important and beneficial provision would be, that the Indian Council should, once in 7, 10, 14 or 20 years, form into one body of laws, and submit to Parliament the whole of the existing Regulations, in order that they might be sanctioned or amended. It would be desirable also to provide for the universal and accurate publication in India of all Regulations as soon as they should be passed ; which perhaps would most easily be accomplished by confining to some one printing-press the privilege, that only the Regulations printed at that press should be received as evidence or taken notice of in Courts of Justice, to which privilege, conditions for a sufficient and proper publication throughout India might be annexed.

8. As the greater number of the papers which accompanied the letter of the 14th of July relate to the constitution and to some of the proceedings of the Supreme Courts of Judicature, and many parts of them are written with great misapprehension of the subject, and in a tone of complaint, although the Governor General in Council has not required that the Judges should reply to them, I conceive that it must have been desired that they should do so; and I will not pass them over without making an effort to produce a clearer understanding of the matter, for which purpose it will not perhaps be necessary that I should extend my remarks to any other documents than the Minute of the 19th February, and that in the Secret Department, dated April 15th, 1829. The manner in which the Judges at Calcutta are spoken of, not only in the letter of the Governor General, but in that latter Minute, is in the highest degree gratifying to them; but they are a little at a loss how to separate entirely a part of the complaints which are made in the Minute of some of the acts of the Court from an implied censure of those by whom the Court is held. The case of William Morton against Mehdy Ali Khan, which was tried in the last year, is described as an assumption by this Court of a jurisdiction which the Legislature did not intend to confer; and it is said that a false allegation of debt was the ground of the action. It cannot be necessary for me to explain that, even if the affidavit was false, it neither shows any fault of the officers of the Court, nor any defect in its constitution. No Court can be so constituted as to be exempt from the evil consequences of perjury. But in fact there is nothing which warrants the assertion, either of the plaintiff's perjury, or of the Court having exceeded its jurisdiction. An affidavit of the debt is on the file of the Court, and has never been shown to be untrue. William Morton was nonsuited, not because he could not prove the debt, but because he could not meet some evidence of Mehdy Ali Khan's that the trade in Calcutta, which had been alleged to make him liable to the jurisdiction, belonged not to himself, but had been given by him to a young nephew, who lived in his house. The trial of that question left on my mind a very strong impression that the defence was a contrivance, and that the trade, which was very valuable and extensive, and in the course of which several ships had been insured at offices in Calcutta, always had been, and still was, the trade of Mehdy Ali Khan himself. An information was afterwards filed against William Morton by the Advocate General of the Company for a conspiracy, on which he was rightly acquitted. The objection made in the Minute to the jurisdiction of the Court is that Mehdy Ali Khan was not a resident inhabitant of Calcutta. It is not always easy to say with certainty what the Legislature has meant in the Statutes relating to India, but I have some confidence that even in the 21 Geo. III. c. 70, s. 17, it was meant that natives carrying on trade in Calcutta, but residing in some other place under British Government in Bengal, Behar or Orissa, should be liable to be sued in Calcutta upon their contracts, express or implied. The Act of the 21 Geo. III. c. 70, was preceded by that of the 21 Geo. III. c. 65, which in s. 28. prohibits British subjects from residing, without special license in writing, any where except at one of the principal settlements, or within 10 miles of it; and I can scarcely suppose that it was intended to put even those British persons who might establish themselves at Calcutta by leave of the Company, in such a position that they could have no legal remedy against any native trader or banker of Calcutta who might choose to live on the outside of the Mahratta ditch, unless by bringing an action in some Court, which at that time might have been really "Native," and held under some Mahomedan Judge, and to which, if it should have been at more than 10 miles distance, British persons had not even the power of resorting, except by obtaining a special license in writing, which they had no right to demand. If the word "inhabitants" was used advisedly in the Statute of 21 Geo. III. c. 70, it must have been known to those by whom it was inserted, that its meaning in the English law is not confined to residents, and I should suppose it to have been precisely for that reason that it was chosen. Lord Coke long ago had taught, that even as early as the Statute of Bridges, the word had been applied to persons who might be residents in foreign countries. The Committees of the House of Commons in cases of controverted elections before the 21 of Geo. III. must have had the legal import of the term more frequently under consideration than that perhaps of any other; and at a more recent period Lord Eldon has explained that the construction of this word in any Statute must always depend upon the nature of the subject, and that inhabitancy may refer to residence, or be wholly independent of it. At any rate, he must be a bolder Judge than I am, who at this time will declare its meaning, in the 21 Geo. III. c. 70, to be that of residence only. It has always been a common

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

practice with the natives to carry on an extensive trade, both foreign and inland, and to deal in money and securities for money in Calcutta, by the means of servants who are not worth a farthing, whilst themselves reside at Moorshedabad, Dacca, Patna, Benares, Furruckabad, or elsewhere, and any native resident at Calcutta may of course cease to be so at any moment at which he may find it convenient to be divested of that character. There is no Court at Calcutta which has any means like the Superior Courts at Westminster, when actions are commenced in them, of providing for the trial in the provinces; so that the mercantile persons in Calcutta might have to ask licenses to go about to half the Zillah Courts of India if they were to be obliged at present to sue those with whom they deal only in the neighbourhood of their dwelling-places. To have construed the word "inhabitants," however, in the declaration against Mehdy Ali Khan in the limited sense, beyond which it seems to be thought in the Minute of the 15th of April that it cannot be extended, except by some operations connected with the art of magic, would not only have been to establish a precedent at variance with the principles of justice, the rules of construction of the English law, and the ordinary course of the law of merchant in most of the civilized parts of the world, but what is more to the point, it would have been an abrupt and unauthorized abolition of the established practice and unvaried usage of the Court in which the declaration, on the faith of that usage being permanent, had been filed. I do not deny that natives residing at a distance are put to inconvenience by the application to them of the word "inhabitants." When the 21 Geo. III. c. 70, was passed, the writs of the Supreme Court ran only into Bengal, Behar and Orissa; since that time the Legislature and the Court of Directors have annexed vast territories to the Presidency, and put them on the same footing as the older ones. Actions may be commenced in the Supreme Court against persons who are resident at an immense distance. The Court has no means of providing a trial any where except at Calcutta; and there is only one Sheriff for a bailiwick of more than 1,000 miles diameter. I am not contending that we are placed in convenient circumstances, but that the Court has not perverted the law.

9. The second case brought forward in the Minute of the 15th April is one which has not been before the Judges, but in which, I believe, a British partnership in Calcutta, upon making large advances to another British firm, had taken from them a bond and warrant to confess judgment, on which judgment had been entered, and when the debtors became insolvent, the judgment creditors took out execution, and the Sheriff seized all the property of the insolvent partnership on which he could lay his hands, including some stock in trade, indigo factories and other property in the provinces. Three objections are made in the Minute against these proceedings; first, that the property taken in execution lay at a distance from the residence of the British judgment creditors, whilst there were native creditors who lived near at hand: secondly, that some of the property taken by the Sheriff had not been paid for by them, defendants: thirdly, that the awe of the Supreme Court prevented the Collectors, Judges or Magistrates of the neighbourhood from interfering with the Sheriff in the execution of his duty. I am at some loss how to answer these objections, as they apply to the Court, but certainly not on account of the reasonableness of them. As to the last of them, I can only say, that I hope a due respect for the Court may be equally effectual in other cases of the same nature. The proceedings, as far as they are stated in the Minute, or as I have any knowledge of them, were in every respect regular, and except as to the amount of the debt, ordinary. At the time of their taking place, no law of bankruptcy or insolvency had been introduced into India; and of necessity each creditor of an insolvent firm had to take care of himself; the principles of the Bankrupt Laws cannot be acted upon except where the laws exist; and it would have been found to be an extremely inconvenient substitute for them, if any one had possessed the power of deciding that the creditors should be paid in the order of their vicinity to the dispersed property of the insolvent, or that a writ of execution against moveables should itself be immoveable or restricted to the limits of the town of Calcutta. Yet, if this part of the Minute does not point at some such expedient, I am unable to perceive what was meant to be the complaint. Power is given to the Court to hear and *determine* suits. What sort of a determination would it be if the defendant, by removing himself and his goods and chattels, during the progress of the suit, beyond the limits of the town of Calcutta, might make execution impossible, and the judgment nugatory?

10. The third is a charge of a graver complexion, if it were to be taken according to what the letter of it would imply; but I am satisfied that the Member of Council by whom the Minute was written, did not advert at the time to what was implicated in this part of it. The case adduced is, that of the King against Khodabuksh and three others, which was tried by me at the fourth sessions of Oyer and Terminer for 1828. As this has been the subject of a communication from the Judges to the Government and to the Board of Commissioners for the Affairs of India, the Members of Council are now more fully informed of it than when the Minute was written; but there is some reason to regret that upon erroneous information respecting matters which might have been easily ascertained, and in a document which, at the time when it was written it was not likely I should ever see, there has been involved against me an imputation of "encroachment," and that I put four men upon their trial on a capital charge, "in order to establish a principle," which is believed to be contrary to law. It is now known to the Governor General in Council, that I had never heard of the prisoners or their crime until after the sessions had begun, and long after they had been committed to the great gaol for trial, and though I read the depositions at the time, I do not now recollect what Justice of the Peace it was before whom they were taken. I was bound to deliver the gaol, and there was no method which I should have thought myself justified in pursuing by which I could have avoided to put the culprits on their trial. I might indeed have quashed the indictment by deciding that the averment was bad in law, which stated, that persons professing the Mahomedan or Hindu religion were subjects of the King, or I might have directed the Jury, that the word "subjects," in the 26 Geo. III. c. 57, and in some others, was supposed by many persons to have a meaning peculiar to the Statutes respecting India; that the evidence did not show the prisoners to be within that meaning, and that except as to persons included by that term, the Provincial Courts now claimed to have an exclusive cognizance of crimes committed beyond the boundary of Calcutta; but as neither the Advocate General of the Company nor any one else defended these prisoners, I must have taken on myself the whole of the heavy responsibility, not only of allowing, but of making this complicated defence, which would not precisely have coincided with my own opinion, and in such circumstances I am inclined to believe that those in England to whom the case will be submitted, will think that I pursued a more considerate and prudent course in referring points so doubtful and so weighty to His Majesty in Council. I am informed by the letter of the Governor General in Council, that three of these persons had been tried and acquitted in a Provincial Court, and there was some mention on the trial of the important fact of their having been before a Provincial Court, but without a plea of acquittal. I could not enter into any evidence of it, and I had no judicial information whether any of the parties had ever been tried or arraigned, nor any legal ground upon which I could have directed the Jury to acquit any of them; for that reason my impression was that the Provincial Court had merely disclaimed the cognizance of the case in the form in which it had been brought before them.

11. The only other objection which is stated against the proceedings of the Court at Calcutta is, that in compelling the performance of its decrees as a Court of Equity, it sequesters the rents and profits of land in the provinces, or appoints Receivers of them; and although it is admitted, that this is a power which has so long been exercised that it cannot now be disputed, it is said that an Advocate General has been of opinion, that the Legislature did not intend to confer the power, but that it has been "assumed;" and it is added, that, by the appointment of European officers of the Court as Receivers of rents and profits of estates in the provinces, the Regulations of the Government for the administration of the provinces are set at naught. The Supreme Court, under the 18th clause of the Letters Patent of 1774, is a Court of Equity, and is directed to compel obedience to its decrees in the same manner as the Chancery does in England; whatever questions there may be as to the extent of the jurisdiction of the Court of Equity in any other respects, it is certain that full power and authority to hear and *determine* suits against the inhabitants of Calcutta, respecting their inheritance and succession to lands and rents, is expressly declared to be in the Court by the 21 Geo. III. c. 70, s. 17, and in terms which make it at least questionable, whether the jurisdiction is not exclusive of all others. The most numerous and important cases which have come before the Court, as a Court of Equity, have been suits instituted by Hindus for the partition of family property. When a bill is filed for

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

this purpose against any one liable to the jurisdiction, and who is the manager of such property, from which he excludes his coparceners, and which consists principally of Zemindaries or Talooks in the Mofussil, in what other way could the Court determine the suit than by a Commission of Partition; or in what other way could it secure for the family their share of the rents and profits during the long progress of an equity suit, than by appointing a Receiver? It cannot be seriously meant as a more easy and convenient proceeding, that a suit should be instituted against an inhabitant of Calcutta, in each Zillah in which any of the Talooks may be; or even that this Court, after having declared the rights of the parties to a partition, should direct them to bring a second suit against the defendant in any one other Court, and take their chance of having the same thing decreed over again with more effect? But, even if this could be maintained as expedient, it is beyond all doubt that, according to the existing law, the Supreme Court, as a Court of Equity, must attach and imprison the person of a defendant for disobedience of its decrees or orders; and if they should thus confine in gaol the manager of a family property in the Mofussil, is it not necessary that they should appoint some one to look after it, if it were only for the payment of the revenue? If the suggestions of the Minute point to any one course rather than another, it is one which would leave in the gaol of Calcutta the manager of property, respecting which the rights of numerous persons might have been declared after a long and expensive litigation, but which, on the failure of the regular payments of the revenue, would be sold to the highest bidder by the Collectors of the different districts in which the lands might be, and the surplus would remain in the hands of the Collectors, to be got at by those entitled to them in the best way they could. Does the Member of Council by whom the Minute was written believe, that the Collectors would or could apportion the surplus, on the mere production of the decree of the Supreme Court, in such a way as to give their rights to the parties; or does he desire, that in such cases the Collectors should be made defendants in the equity suit by a supplemental bill? European officers have never been sent to reside on estates so situated, but have managed them through native agents, and cannot by the rules of Court be appointed, except where there is no other fit and proper person to take charge. This part of the jurisdiction of the Court is exercised as the Charter directs, in the manner in which the Court of Chancery in England effects a partition, in the only manner in which at present a suit for a partition could be determined, or in which signal inconveniences and contradictions could be avoided; and if Regulations have been made by the Government subsequently to the Charter of 1774, and to the 21 Geo. III. c. 70, which are incompatible with them, it may be worth while to consider whether it is the Court which sets at naught the Regulations of the Government, or the Government which has forgotten the lawful powers of the Court.

12. The foregoing cases being the only ones stated in the Minute in which the Court at Calcutta is concerned, they are perhaps the only ones on which I am entitled to speak with confidence; but I beg to add, that, as far as my knowledge extends, the censures of the proceedings of the Courts at Madras and Bombay are, in most respects, equally open to observation. Of those at Bombay which have been the subject of an appeal to the Privy Council, it would not become me to express any opinion in an official document; but as I was a Judge at Madras for nearly four years, although of the cases which are cited from that Presidency one was entirely, and another almost entirely determined before I took my seat in the Court, I believe that I am able to fix both of them, and the practice of the Court in granting probates and administration to natives, in a juster point of view than that in which they are placed in the Minute. It is very possible, however, that I may be inaccurate in some particulars, as I can speak only from recollection, and, in most instances, merely from the information of others. All the Supreme Courts are directed by their charters to accommodate their process to the circumstances of the people and the country. This has been done in more instances than that of granting administration to natives. One instance in which it has been done beneficially at Madras is, that orders for the maintenance of native widows are made summarily upon petition, and without any suit in equity; and at Calcutta it was long the practice for the Judges to decide many disputes amongst natives out of Court, and by a summary award. The same considerations which led to such proceedings induced also the practice of allowing natives to take probate or administration, though the Courts never required them to do so; and this permission has tended very much to their ease and convenience in many respects. If a representative

sentative of a deceased native wants to collect assets from an inhabitant of Madras, or from the officers of the Company, or any other British subject, he is often enabled, by obtaining letters of administration, to avoid an equity suit, which would be his only other mode of proceeding. The British Commissioners at Madras, for the payment of the Nuwaub of Arcot's debts, refused to make payments to the representatives of natives without letters of administration ; and though the Court would probably have compelled them to do so, there might have been some hardship in obliging the claimants to proceed by suits in equity. It was upon a refusal, I believe, by the Treasurer of the Government to give him the benefit of Government securities which had been held by his father, that the Nuwaub of Masulipatam found it necessary to apply either for probate or administration to the Supreme Court at Madras. If he had not done that, he must have filed a bill in equity, and in either case must of course have submitted himself to the jurisdiction of the Court, as to all questions connected with the property for the obtaining of which he had applied to the Court, and which it was his object to take out of the hands of a British subject, against whom all claimants had a right, whilst the assets remained with him, of instituting suits in that Court. There may be differences of opinion whether it has been, on the whole, beneficial and right to permit natives to take letters of administration, or it may be thought, that when such letters are granted, the best way of making the parties liable to the jurisdiction would be by their entering into a bond to that effect, which would apprize them of the extent of the liability ; but I conceive that there can be no difference of opinion as to the justice or necessity of the rule, that every party who asks for, and makes use of any process of a Court whatever, it may be for the purpose of obtaining property which he could not obtain without it, must submit to the jurisdiction of the Court in all claims and questions which may arise as to the same property, before its absolute confirmation to him. The refusal of the Treasurer made it necessary that the Nuwaub of Masulipatam should proceed, in the Supreme Court, in one way or another ; and in whatever way he had proceeded he must have submitted to the decision of the Court, as to all claims upon the property which he should have brought into question before the Court. One of the cases, I believe, which is alluded to as having occurred at Madras, is that of Syed Ali and others, against Kullea Moollah Khan and the East India Company, of which the main features were, that the Nuwaub of the Carnatic having formerly granted a Jaghire to the father of Syed Ali and Kullee Moollah Khan, questions arose, on the death of the father, whether the Jaghire reverted to the British Government, which had superseded that of the Nuwaub ; whether it was either to descend, or to be granted anew, to Kullee Moollah Khan, as the eldest son ; or whether it was not to be shared amongst the children and widow of the deceased, like any other property of Mahomedan persons. It was proved, I think, to the satisfaction of the Judges, that Kullee Moollah Khan, if on no other grounds, was liable to the jurisdiction of the Supreme Court as an inhabitant of Madras ; and a suit in equity was instituted against him and the East India Company, by his brothers, his mother and sisters. It has since been decided on appeal, and I have no doubt rightly decided, that there was no legal or equitable ground for making the Company defendants ; but this is not the objection taken in the Minute, in which it seems to be thought that the whole system of Indian Government is threatened with destruction, if grants of the Government may be subjected to the interpretation of the Supreme Courts. I can only say, that any grant of property by a King of England, though the King cannot be made a defendant to the suit, may be brought into question, and may be subjected to the interpretation of the Courts of Law and Equity, and that the interpretation of the Courts of Law and Equity, and that the interpretation of grants of property by the Indian Governments, could not be reserved to the executive branches, or, in other words, to the grantors themselves, without an utter confusion of all English notions of justice, and some very strange results. The other case, at Madras, is one about the year 1818 or 1819, in which a crime having been committed at Hyderabad, by a person who, according to the words of the Charter of the Supreme Court, was amenable to it for the crime so committed, the Court thought that they might also arrest him for it in the place where it was committed. Upon this His Majesty's Attorney and Solicitor General in England were consulted, and it was asked whether the Court could issue compulsory process into the territories of a Prince "in alliance" with the Indian Government ; to which the answer, as it might have been expected, was that the Court had no such power ; and I have some reason to believe that the Court itself would have given the same

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

answer to the same question, inasmuch as "alliance" implies a certain degree of independence. But if an excuse is wanted for any mistake of the Court in supposing that Hyderabad was so far a component part of what is called the British Empire in India, or so far dependent upon and subject to the British Government, that as the cognizance of crimes committed there by His Majesty's subjects clearly belonging to them, so it might also send its process thither to arrest them, such excuse may perhaps be found in the facts of the cantonment at Hyderabad being permanently occupied by the forces of the Madras Government, and of the Government being administered very much according to the will of a British functionary, who always resides there. Long subsequent to the mistake of the Madras Court, and to the opinion of the Crown lawyers, two Advocates General of the East India Company, together with some other persons, fell also into a mistake, that Hyderabad was so connected with the British territories, that the English laws which regulate the lending of money were in force there against British subjects; and I am told that there are some who have felt great difficulty, notwithstanding the opinion of the twelve Judges of England, in bringing themselves even now to the belief that there has been in this respect any mistake at all. In a note, at p. 416 of the second volume of Mr. Henry Prinsep's *History of the Administration of the Marquis of Hastings*, there is a decree recorded, not judicial indeed, but executive, which from my knowledge of the moderation and love of justice of him by whom it was pronounced, and his dislike of encroachments of every sort, especially by the appointment of Receivers, I am confident would not have been made if Hyderabad had been in that situation of real independence which properly entitles one state to call its relations with another an "alliance." That excellent, able and eminent person knows, that I entertain for him the highest esteem and a sincere regard, but he will permit me to say, that in his Minutes of the 19th of February and of the 15th April 1829, I find no case referred to as an irregular proceeding of the Supreme Courts, respecting which it does not appear to me that there has been a misapprehension of some fact or principle of law which has affected the view which he has taken; and I cannot refrain from expressing a little surprise at the singular expressions which in two passages are employed to characterize the construction which has been given by the Courts to the word "inhabitants." I have already explained the grounds on which that construction is supported; it rests upon authorities so grave, that it might have been expected to escape the infliction of hard names; which, if I were inclined to resort, might perhaps be shown to apply more closely to the history of Indian politics, than to English rules of law.

13. I dare not follow the example which is set me in the Minute of defining the whole jurisdiction of the Supreme Court. Too many important and delicate points are involved and have been entangled in that matter for me to wish to decide upon them collectively. The view taken in the Minute was probably intended to be the same as that which was given by the late Mr. Charles Grant, in his note to the 34th page of his "Observations;" but there is this difference, Mr. Grant's Observations, though printed later, were written in 1792, and though he does not at all deny that the natives of the provinces were then subjects of the British Crown, he keeps his definition of jurisdiction clear of any admission to that effect. In the Minute of the 15th April 1829, they are described as subjects, and a few historical remarks will serve to show how much depends upon the fact of their being within the meaning of that term, and to how many difficulties the Supreme Court at Calcutta may be exposed in exercising a jurisdiction which in its origin was made to extend over all within this Presidency who should in any manner be subjects of the British Crown, but upon which jurisdiction there are no doubt sufficient indications that those who have framed subsequent statutes and charters for India have designed to put various restrictions. The design must be supposed to have been right; but it may be regretted that whatever was to be done in pursuance of it, should not have been made plainly intelligible, and free from all contradictions.

14. Factories established amongst the infidel people of the East have been deemed by the law of nations which has prevailed in Christendom, to be so far exclusive possessions, or at least privileged places, that all persons during their residence within them have been considered for most purposes to be clothed with the national character of the State to which the factory has belonged. In the East Indies, as early as 1618, Sir Thomas Roe, the Ambassador of James I., had secured, by treaty with the Mogul, the privilege for the Factory at Surat, that disputes between the English only should be decided by themselves; and the East India Company,

before the end of the 17th century, had obtained and made use of the permission to build fortifications at Madras and Calcutta : and they held the island of Bombay under a grant in perpetuity from the Crown of England, to which it had been ceded in full sovereignty by Portugal. In these circumstances, although it was a remarkable step, it is not perhaps very difficult to account for the establishment, by letters patent, of Mayors and Aldermen in the 13th year of the reign of Geo. I. at Madras, Bombay and Calcutta, who were to act as Justices of the Peace in those places, and in all the factories subordinate to them, and who were to be Courts of Record for the trial of all actions arising within those places, which should be brought against any person who should reside there at the time of action brought, or of the cause of action accruing. I will not venture to say whether in these letters patent, or in those which with some alterations were substituted for them in 1753, there was any intention on the part of the Crown to assert any territorial dominion. In the Charter of 1753, although there was no precedent for it in the Charter of 1726, there was introduced an express exception from the jurisdiction of the Mayor's Courts, of such actions as should be between the Indian natives only, which were directed to be determined among themselves. In 1765, however, the grant of the Dewanny made a complete revolution in Bengal. It put into the hands of the Company all the actual powers of Government; and it is well known to what differences of opinion this acquisition gave rise in England. Without resting the decision which was made in 1773 upon any critical arguments of law, or on any positive opinion of expediency, there are a few plain positions and glaring consequences, from which it seems to result, that a part of the determination which was come to was quite necessary; namely, that the right should be asserted of the British Crown and Parliament to regulate the powers of Government, which had been acquired by the Company in India. Before the Dewanny was obtained the Company had been established for more than a century and a half in India, under charters from the British Crown and Acts of Parliament, which, for the increase of the navigation and merchandize of the nation, had given them, for so long as it should conduce to that object, an exclusive right of trade in all places between the Cape of Good Hope and the Straits of Magellan, and had deprived the rest of the British people, for the same time, of the liberty of trading on three-fourths of the sea-coasts of the whole globe. It could not have been reconciled with justice or reason that opportunities so given should have terminated in 1765 in the establishment of the Company as officers of a foreign state, still less as independent sovereigns; and if any doubt had been tolerated as to the entire dependence of the Company upon the Parliament, it is difficult to say what might not have happened during the troubled times of England which followed the period of the acquisition of the Dewanny. The British people might possibly have found themselves excluded from trade with India, not for a time, but for ever, not by their own act and with their own consent, but against it, and by those who had, indeed, been their fellow-subjects, but were now become independent of them. Therefore, though I do not wish to be considered as assenting to all that was said or done about that time, the Resolution of the House of Commons on the 5th of April 1773, the Statute of the 13 Geo. III. and the Charter of Justice of 1774, appear to me to have been rightly founded, in every part of them, upon the principles, that whatever the Company had in India, they held as British subjects, that all their lawful powers of government were subordinate to the sovereign powers of the British Crown, and that in every respect they were liable to the legislative control of the British Parliament; and in whatever manner it may afterwards have been thought expedient to disguise the real state of things, it seems to me to have been a necessary and immediate result of the grant of the Dewanny, that all the sovereign rights of the Mogul Emperor in Bengal, Behar and Orissa, which would have remained in him if the grant had been to any of his own subjects, were transferred to the British Crown and Parliament; that the territory became British dominion, and the inhabitants subjects of His Majesty, but the mass of them subjects only as far as it was consistent with the laws of England that Hindus and Mahomedans could be subjects. The single and plain ground on which I would rest these propositions is, that when the Mogul put a Company of British subjects into the possession of territories and powers which might be made use of to defeat the very purpose and object of that political existence which had been given to them by their own King and Parliament, there accrued to that King and Parliament, as a necessary consequence, a right of assuming the whole sovereignty, without which the Company could not be controlled. The Mogul had no right to make them, the Company had no right to make themselves,

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

dependent upon him or independent of their own country; in either of which cases it might, and according to the ordinary course of human affairs must have come to pass in time, that they would have been called upon to wage war against the very land which had sent them forth to augment its own prosperity.

15. If all circumstances had admitted of this state of the case being manifested and declared in 1773, though such a course might have been subject to hazard, it would probably have saved an infinity of trouble in the end, and many of the perplexities which have been the offspring of a double and fictitious system of government. The grant of the Dewanny included not only the holding of Dewanny Courts, but virtually the Nizamut also, the right of superintending the whole administration of law in Bengal, Behar and Orissa, as it was vested in Shah Aulum in 1765. This is avowed in the letters of Lord Clive, and this is only a part of the claim of the Company themselves, in the case made for them upon the appeal of Mr. Buckingham against the press regulation. There were motives, however, which are very intelligibly explained in Lord Clive's letter of the 30th September 1765, which had made it convenient for a time that the Nuwaub should appear to retain the Nizamut, or superintendence of the administration of justice, and accordingly, when Shah Aulum gave the Dewanny to the Company, it had been agreed at their request that he should put the Nizamut into the hands of the Nuwaub, who at the same time entered into an agreement to take a fixed annual allowance from the Company to enable him to carry it on. He was in fact from thenceforth no other than a native officer of the Company; he held his courts only at their will and pleasure, and they exercised the power of regulating and altering them. Something had been done in this way between 1768 and 1772. In that year, Mr. Sullivan, the Deputy Chairman of the Company, brought into the English House of Commons a Bill for the due administration of justice in Bengal. I have never seen this bill at full length; but I collect from the accounts of it in cotemporary publications, that with the important difference that the appointment of Judges was to have been by the Company, its provisions for a new Court were

See Governor Johnstone's
Speech in the Debate on the
30th March 1772.

in a great many respects similar to the Letters Patent of 1774, but that all Christian persons were to have been subject to the jurisdiction of the new Court, and to have been exempted from those of the Nuwaub. When this plan of the Company was thwarted, and the Supreme Court was established in 1774, the distinction of Christians was left out, and the only criterion of personal liability to the jurisdiction which is to be found in the statute of 13 Geo. III. c. 63, on which the Charter of 1774 is founded, is that of subjection to the British Crown. In s. 14, all who are "His Majesty's subjects" are made liable. It has been contended, indeed, that even in this statute it was intended to make a distinction between subjects born in the British islands, or their descendants, and the other natural born subjects of the Crown, and that it was the former only who were made liable to the jurisdiction of the Supreme Court. But this appears to me to be an erroneous notion, and one that has been the cause of some of the confusion which adheres to the whole system of the Indian statutes. The only difference of meaning which will be found in the use, at that time, of the two phrases, "subjects" and "British subjects," is, that the latter appears to have designated those who were permanently and to all intents and purposes British subjects, whilst the former included such foreigners as, in consequence of their residence in any British territory, possession or factory, were to be considered, according to well known rules of international law, to be clothed temporarily and for certain purposes with the character of subjects of His Majesty. The Charter of 1774 made even these liable to be sued or prosecuted; but it was to British subjects only, or absolute and permanent subjects, if I may so express myself, that certain rights and duties, such as that of sitting on juries, were restricted. No legal grounds will be found for affixing at that time any other meaning than this their obvious one to these terms; and unless we consider the term "subjects" in 13 Geo. III. c. 63, s. 14, and in the 13th clause of the Letters Patent to have had a more extended sense than that of persons of British birth or descent, and to have included foreigners, whether Indian or European, resident in Calcutta or any British Factory in Bengal, Behar or Orissa, there is nothing either in that statute or in the Charter itself which can be considered as giving the Court jurisdiction to entertain any actions against them, except in cases in which the Mayor's Court had before possessed such authority under the Letters Patent of 1753, and this would not have included the native inhabitants of

Calcutta.

Calcutta. The distinction which it has been attempted to establish between natives of the island of Great Britain and the Christian natives of the rest of His Majesty's dominions, is an unlucky gloss of a later period, and founded upon an expression, which I am inclined to suppose a careless one, in the statute of the 21 Geo. III. c. 70. Unfortunately the indistinctness of the views which were taken by the British Legislature of the nature and relations of the territorial acquisitions of the Company, and the show of a Native Government, which the Company were permitted for their supposed convenience to keep up, preventing all explanations of the use of the term "subjects," in the 13 Geo. III. c. 63, and indeed if those obstacles had not existed, a submission to Parliament of the question how far any other than Christians can be subjects, might have received all the agitation which had been produced by the bill for naturalizing Jews in 1753. Accordingly there is not either in the statute of the 13 Geo. III. c. 63, nor in the Charter of 1774, any declaration who are and who are not subjects, nor whether any of the territorial acquisitions amounted to an acquisition of the territory itself, or to anything more than powers to be exercised within territories of the Mogul, nor whether even Calcutta itself was so much within the allegiance that persons born there would be natural born subjects of the British Crown. These questions were left to be determined by the general principles of English law, whenever they might arise; but subject to such determination there was a jurisdiction given to the Court, first, over all persons whatsoever during their residence in any British territory, possession or factory, which there might be within Bengal, Behar or Orissa; secondly, over all natural born subjects, or others having indefeasibly the character of subjects of the British Crown, and over persons in their service within Bengal, Behar or Orissa, whether the place in which they might be were a British territory, possession or factory, or a place belonging to some Indian Prince, but under the protection of the Company. The intention was to have secured to the Crown a supremacy in the whole administration of justice; but the provisions made were inadequate to the attainment of the object, and have been defeated; and I do not mean to say that the policy of later years may not have been wiser than that of 1773, I only trace the course of these events.

16. Though it might not be convenient that the whole of Bengal, Behar and Orissa, should be taken to be British territories in 1774, those and all the other provinces which constitute the Presidency of Fort William, must be known to be so now; and if there are reasons of state which ought still to discourage the avowal or manifestation of that fact, those territories are (beyond all possibility of concealment) so much more than factories, and so visibly British possessions and dependencies, that subjects to any questions connected with religion, all the inhabitants of them during their residence must owe a temporary allegiance, and must be for the time "subjects," according to all the ordinary rules either of British or international law. I will not fatigue those to whom this paper is addressed by a string of statutes and other acts of state, in which the Indian Presidencies are designated as possessions of the kingdom of Great Britain and Ireland, or as British territories, nor will I do more than barely advert to the opinion of the Court of King's Bench in England on the question whether they were within the Navigation Laws; or to the declarations in the 53 Geo. III. c. 155, of the sovereignty of the British Crown over all the territorial acquisitions; nor to that proclamation of a former Governor General which we are told by a highly distinguished historian, was hailed with satisfaction by every Prince and Chief of India, when the supremacy of the British Government was asserted, and somebody, but I cannot undertake to say with precision who it was, reluctantly assumed the duties of "Lord Paramount of this Continent." To satisfy the Governor General in Council of the difficulties which a Court of Law must find in treating the Bengal Provinces as anything less than British territories or possessions, of such a description that Christian persons born in them are natural born subjects of the British Crown, and that foreigners residing within them are subjects during the time of their residence, it may be sufficient for me to bring to their notice some decisions of a venerable person whom I have been accustomed to consider of authority almost oracular in questions of the *droit public*, and of the law of nations. In the year 1800, Sir William Scott held that there was no sovereignty in the Mogul which interfered with the actual sovereignty of the British State, exercised through the East India Company; that the territories were British territories; and that the law of treason would apply in full force to Europeans living there. He seemed to consider that the Hindu and

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

See Memoir on
Central India, and
Political History of
India.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Mahomedan inhabitants of those territories were in somewhat the same relation of subjection to the British Crown as Jews in England: but that an American merchant residing there, was as fully clothed with the British national character for the time of his residence, as if he were in England, and Sir William Scott founded this decision, in some degree, upon information obtained from Sir Robert Chambers, whom he had consulted, and who had recently returned to England after having been many years Chief Justice at Calcutta.—*The case of the Indian Chief*, 3 Rob. Adm. Rep. 28. In the House of Lords, August 12th, 1801, on the ground of Madras being a part of the British dominions, and that all foreigners resident there incurred the obligations of British subjects, it was decided in affirmance, I believe, of a judgment of Sir W. Scott's, that any permission given by the East India Company or the Indian Governments, without the sanction of the Crown, to American inhabitants of Madras, that they might trade with the port of a country at war with England was void, 3 Rob. Adm. Rep. App. B. 7. In 1806 Sir William Scott inclined to think that the possessions of the East India Company were within the terms of the Order of Council of 1665, declaring a particular right of the Lord High Admiral to extend to all places "within the *Kingdom of England*."—*The Maria Francoise*, 6 Rob. Adm. Rep. 288, &c.

17. Upon these grounds and authorities I could not come to any other conclusion than that, if the Act of the 13 Geo. III, c. 63, and the Charter of Justice of 1774, which are the foundations of this Court, were at this time to be interpreted by themselves, and not in reference to a scattered flight of subsequent enactments and ordinances, the Court, throughout the provinces which constitute this Presidency would have a jurisdiction, however inconvenient, over all persons who, according to the ordinary rules of English law, should be subjects of the Crown, whether absolutely or temporarily. But it is scarcely necessary for me to say that I do not consider the Court to possess that jurisdiction in such a way as to be used for any practical purposes at the present time. I am desirous only to point out the course and manner in which the constitution of the Court has been affected; to establish the fact that it is only by the Court that encroachments have been made, and to make the Governor General in Council aware of the situation in which it is now placed.

18. The first obstacle which the Court encountered upon its establishment in this country, was the upholding of the Nizamut under the Nuwab and his native officers in a state of complete independence of it. It is not to be doubted that if Mr. Sullivan's bill had passed, it was the intention of the Company to have brought the whole of the Native Courts into subordination to it, and long before this time it would have been done. When the present Supreme Court was substituted the jurisdiction similar to that of the King's Bench which was given to it, and indeed its very title and the objects of the whole charter show that it was supposed there would have been inferior Courts subjected to its superintendence. A system correspondent to such intentions could not have been established without the cordial co-operation of the Governor General and Council of the time, and probably it ought not to have been attempted but by very slow and cautious steps, and supplementary enactments must have been made for securing the Hindus and Mahomedans against an abrupt demolition of their customs and usages. But instead of any preparations of such a tendency, all things were maintained in a posture rather of opposition than merely of separation. It is well known what disgraceful scenes of discord and confusion ensued, and I have no inclination to defend the spirit and manner of the proceedings of the Judges of the Supreme Court, nor even to assert that the supremacy of the Court had been sufficiently provided for by any practicable scheme. But this I must say in justification of the Judges, that there was not that co-operation which they had expected from the Government; that the re-establishment in 1774 of the Nizamut at Moorshedabad in its old form, was not a symptom of any inclination to promote that subordination of the Provincial Courts which, I believe, was looked for and would have been gradually accomplished, if the Supreme Court had been a Court of the Company; and that if the Judges caused mischief by an exercise of their powers in the provinces, a state of circumstances was presented to them, in which they had but the alternative of abandoning that part of their commission. In the Minute of the 15th of April, it seems to be taken for granted that the Judges overstepped their jurisdiction, and that the 21 Geo. III, c. 70, was passed for that reason, but the Act was passed, not because the jurisdiction had been exceeded, but because it

had been found difficult to exercise it without conflict with the Provincial Courts and the Government. The 28th section provides indeed an indemnity for the Governor General in Council and the Advocate General, for their transgressions of the law in opposition to the Judges, but no such indemnity will be found to have been granted or required for the Judges themselves.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

19. The most important part of the Act of the 21 Geo. III. c. 70, is the acknowledgment by the Parliament of Provincial Courts existing independently of the Supreme Court, and the declaration of the expediency and justice of preserving to the Hindus and Mahomedans their peculiar laws and usages. Many circumstances contributed at the time to incline the Parliament to this course. and to these it may be useful to advert, as casting light upon the meaning of the Act. The nation was struggling with the American war, the experiment of the Supreme Court had not answered expectations, and had occasioned inconvenience; it was plain, that the attempt to introduce an English superintendence of the law on the part of the Crown had been made without any sufficient scheme or due preparation; a plan which might have been carried forward, if it had been promoted by the Company as their own, had failed when imposed against their will. The Ministers, to use a homely phrase, when they thought they had secured the administration of justice to the Crown, had reckoned without their host. In some instances the collection of the Revenue in India, on which every thing depended, had been impeded by the dissensions which had taken place. Perhaps also it was thought desirable, in the impending treaties with the maritime states of Europe, that India should bear as little as possible the character of a possession of the Crown. Some things in the Act are stated plainly enough. The Court is not to have jurisdiction in any matter concerning the Revenue, and, except in certain specified cases, no person is to be subject to the jurisdiction of the Court by reason of his being a land-holder, nor of his being employed by a British subject. The existence of the Provincial Courts is not only recognised, but the Governor General in Council is confirmed as a Court of Appeal, with a power of making regulations for them. But in this Act, as in the former one, there is no plain statement of the relation in which the Indian territories stood to the British Crown, nor whether any Indian natives were to be comprehended under the term "subjects," nor whether the Provincial Courts were to have a concurrent jurisdiction with the Supreme Court, or an exclusive one; nor, if the latter, what were to be the limits of it. The phrase "British subjects" is indeed used in this Act, and that of 21 Geo. III. c. 63, in such a way as necessarily to exclude from it the Hindu and Mahomedan inhabitants; but it is so used, that, with respect at least to subjects not being natives of Great Britain, or India, subsequent glosses have made it almost impossible to affix any definite understanding to it. In the 21 Geo. III. c. 65, s. 28, British subjects in the service of the Company, or licensed by them, are forbidden to reside, except under special license, at any other place than some principal settlement, or within 10 miles of it: and by the 21 Geo. III. c. 70, ss. 13, 14. the obligation is imposed on British subjects of registering the names of their native stewards, partners, or agents. This is sufficient to show that the term was not intended to apply to the Hindus and Mahomedans; but when we endeavour to ascertain those to whom it was intended to apply, we find considerable difficulties. In section 24, it is used only in opposition to "natives," and might be considered as comprehending at least all the subjects of Great Britain born out of India, and this would be consistent with the use of the same words in section 3; but this interpretation is, in some degree, made doubtful by the use of the phrase "British European subjects," in section 16, which looks as if there might be "British Indian subjects," or else that British American, and West Indian subjects were not included in it; and then in section 10, it is so expressed, that it has been recently supposed that it was meant to limit the meaning of the term "British subjects" to natives, or the descendants in the paternal line of natives of the island of Great Britain. This clause has made, and, unless it be explained by the Parliament, seems to be likely to make sad confusion. It is utterly out of the question to give it effect, according to the very letter. Unless there was some contemporaneous act of the Irish Parliament, it would exclude natives of Ireland, and my own opinion is, that it either was carelessly used, and that in the interpretation of it by courts of law, a more extended sense must be given to the words "Great Britain," so as to include the territories of Great Britain as fully as they are included in the 129th section of the 33 Geo. III. c. 52; or if it be possible to suppose that an intentional use of the term in its literal sense may be

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

accounted for at that time by the fact of a large portion of the subjects of the Crown being then in a state of open revolt and civil war, the influence of an expression thus used upon a transient occasion, ought not to be preserved and carried down for the purpose of warping so important a matter as the meaning of the phrase "British subjects" in subsequent statutes. To my great surprise, however, I have been told, that two learned persons, whom I hold in the highest respect, and who have had unusual opportunities of becoming acquainted with India and its established relations with the United Kingdom, have recommended, upon the ground of its being in accordance with the general understanding of the term in India, that if a declaratory act should explain the meaning of "British subjects," it should be limited to those who have been born in Great Britain, or perhaps in Ireland, or who can prove a pedigree in the paternal line from a native of one or other of those islands. This would exclude from the class of British subjects, and in a great measure from the rights and obligations of British law in India, the natives of Guernsey and Jersey, of Jamaica, Barbadoes or Canada, or the Cape of Good Hope, of whom there may always be many in his Majesty's army, in the profession of the law, or engaged in merchandize; and it would put them in the same relation to the law, in most respects, as the Hindu and Mahomedan races. This would be an innovation, I apprehend, of a very serious nature in the system of laws by which the colonies and dependencies of England are bound to the mother country and the throne. Nor is it only the natural born subjects whom it would affect, but all who may become subjects by cession or conquest. This is a case now pending in the Supreme Court, in which the fortune of a young person, who has returned to India after being educated in England, is in the hands of the Court, and is of very considerable amount. The Court can scarcely stir a step in the matter without deciding whether the father of the infant is liable to its jurisdiction, and unless he is so, it will be impossible to make a satisfactory decree. This father is a Christian inhabitant of Chinsurah, of Dutch descent, and is believed to have been born there before its cession to the British, and whilst it was a Dutch Settlement. Is this man now one of those persons "who have heretofore been distinguished by the appellation of British subjects?" If not, has the Provincial Court which was established for the preservation of Hindu and Mahomedan laws and usages, an exclusive jurisdiction over him? Is the infant to seek there a decree which she cannot obtain in the Supreme Court; and what is the Supreme Court to do with the fortune of which it has taken charge, and respecting which it cannot make any sufficient decree without having the father before it? Other questions of a very serious nature are connected with these. Would the Governments of France or America think that one of their subjects, of whom there are many in the provinces, had been treated according to the "Comity of Nations," if he were to be convicted of an offence in a Provincial Court, which would be incompetent to try an Englishman, who would be entitled under a similar charge to be tried by a Jury and by European laws?

20. Subsequently to the 21 Geo. III. c. 70, further doubt has been thrown upon the meaning of the terms "subjects" and "British subjects" by the various applications which have been made of them in statutes and charters relating to India. I cannot undertake to enumerate at present all these instances, and a few will be sufficient for my purpose. Where the word "subjects" has been used alone, as in the 26 Geo. III. c. 57, s. 29, it would seem to have been meant to be taken in its fullest sense. Suppose a Bengal Lascar, belonging to one of the Company's ships, murders one of the crew on shore, in the island of Johanna or Sumatra, would it not be within the remedy intended to be provided by that Act, that he should be amenable to the Court of Oyer and Terminer at Calcutta, upon the ship's arrival in that port? Yet, if this be so, it makes it extremely difficult to say that the same Court has not under that Act, if in no other way, a concurrent jurisdiction with the Provincial Courts over the Hindu and Mahomedan natives of the provinces under British Government. There is still more difficulty, however, as to the application of the phrase "*British subjects*." In the 24 Geo. III. c. 25, s. 37, these words include all for whom relief is provided as creditors of the Nabob of Arcot. In the 24 Geo. III. c. 25, ss. 45. 50. 64, and the 26 Geo. III. c. 57, ss. 1. 30, and the 35 Geo. III. c. 52, s. 62, they are used to describe all against whom penalties are given for corruption or extortion. In the 33 Geo. III. c. 52, s. 98, which is connected with 53 Geo. III. c. 155, s. 108, British subjects are prohibited from residing at more than 10 miles distance from one of the principal settlements, and these clauses

clauses have so plainly a connection with the 33 Geo. III. c. 52, s. 129, that it would be impossible to affix any less extended meaning to the words as they are used in them, than that which is given in s. 129, namely, subjects of His Majesty, of or belonging to Great Britain or the islands of Jersey, Guernsey, Alderney, Sark, or Man, or Faro Isles, or to any of His Majesty's colonies, islands or plantations in America or the West Indies; and I take it to be certain, though I have not the Irish statutes at hand, that the Acts which were passed by the Irish Parliament about the same time as the 33 Geo. III. c. 52, placed natives of Ireland exactly in the same predicament as those of *Great Britain* and its dependencies; and if this be so, there would be no good ground on which the natives of any African colony or of New South Wales, the Mauritius or Ceylon, could now be distinguished from the rest. In the 39 & 40 Geo. III. c. 79, s. 2, and in the 53 Geo. III. c. 155, ss. 105, 106, 107, the term "British subjects" seems also to be used in opposition only to natives of India, to include all subjects not born in India, and to exclude all who are born there, which, however, must necessarily be subject to an exception which is to be understood, though it be not expressed, of those who are British subjects in right of a British father or paternal grandfather; but in the 40th section of the last-mentioned Act, the words "without the limits of the Company's Charter," leave it again doubtful whether, in that statute, natives of the Cape of Good Hope, New South Wales, or Ceylon or the Mauritius, are or are not meant to be included by the term "British subjects." The expediency of affixing some precise meaning to these terms has been much more urgent than it was at an earlier period, since the Charters of the Madras and Bombay Courts have expressly limited the jurisdiction of those Courts in certain cases to such persons as have been heretofore described and distinguished by the appellation of "British subjects." It would seem that it is only the representatives of such persons who can demand to have the assistance of the Ecclesiastical Court at either place, and that even the representatives of a Christian inhabitant of Madras, if he was not within that appellation of "British subjects" during his life, could not insist upon having either probate or administration, though I know that it has been the constant practice to grant both upon request, even to the representatives of the Hindu or Mahomedan inhabitants. I have adduced only a small portion of the instances in which this important expression of "British subjects" is vaguely applied in the statutes, and it is not only by the statutes that it may be shown how little there is of any general understanding of the meaning of it. The Charter of Charles II. in 1669, purports to make all the inhabitants of Bombay, and their descendants, British subjects, and seems to have intended to confer the same right on the inhabitants of other places which might subsequently be acquired by the East India Company. The convention with France, dated at Versailles, August 31st, 1787, stipulated that Frenchmen should have the same advantages in India in the administration of justice as His Majesty's subjects. I forbear to make any inquiry as to later treaties. In a work which I have heard attributed to Sir John Macpherson, a former Governor General of India, and which was published in 1793 for the information of Parliament at that period, it is repeatedly stated that Armenians and Frenchmen in India are British subjects. Sir Christopher Robinson, in his Admiralty Reports, is led to suppose, by the use made of the terms by Sir William Jones, that they include all the inhabitants of the provinces; and in a case, in the third volume of the Reports of the Court of Nizamut Adawlut, recently published, I find one of the Judges, and the very accurate and able reporter, using the term as synonymous with the expression of "native subjects of the British Government," which occurs in Regulation V. of 1809. Perhaps, if I were asked what I myself should say approached to a criterion of any question, whether a person is within the meaning of this expression as it is used in the statutes and the later charters, it would be, "whether he is a subject by any other title than that of birth within British India," and that, if he is a subject in any other way, he is a British subject according to the meaning of the Madras and Bombay Charters; but that, if he has no other claim than that of birth in British India, he is not. But this rule includes more persons as British subjects than the Company's advocates admit to be of that description; and it excludes some whom I regret to see excluded. I have a strong opinion of the impolicy of establishing a name and test, which is to make of the illegitimate children of Englishmen, and their Christian persons, a separate and inferior class; and the Act of the 21 Geo. III, c. 70, out of which all these perplexing distinctions have sprung, had but for its avowed object the securing to the Hindu and Mahomedan inhabitants their ancient laws and privileges, and was not apparently intended to

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

affect any rights of the Christian population, for whom it made no provisions, and who, consequently, if they are not under the jurisdiction of the Supreme Courts, can scarcely be said at present to live under any positive law at all. This uncertainty extends its mischievous influence in many ways. If Christians born in the provinces are not to be included in the term "subjects," it would seem to follow that the provinces, even now, are not regarded by the Parliament as properly and strictly British territories; and if not, the questions, which of late have been made as to the powers which the Supreme Court has hitherto exercised, as necessarily incidental to the most limited construction of its jurisdiction, would come to be of real difficulty. The Minute of the 15th April complains of the appointment of receivers of rents in the provinces, and even of writs of *feri facias* against the goods of British persons being executed there; and at Bombay it seems to be maintained, that the Court, without leave of the Governor in Council, cannot compel the attendance of a native inhabitant of the provinces as a witness, even on an indictment. I have always supposed, and still maintain, that these powers and others are necessarily incidental to the determination, by the Supreme Courts, of any causes at all; but if the provinces are territories of so anomalous a character, that Christian persons born there have not the name of subjects in the British statutes, I should not feel quite sure what arguments might be sustained upon the other questions. The illustration of the doubts in which the jurisdiction of all the Courts in India is now involved might be extended much further. I understand it to have been decided, that the Court at Bombay has no right to issue a *habeas corpus ad subjiciendum*, nor other mandatory writs, to native inhabitants not liable to what is termed its ordinary jurisdiction. Now, taking the ordinary jurisdiction of the Court to be over British subjects, and those in their service throughout the whole Presidency, and over all persons whilst they are inhabitants of the island of Bombay, what persons are they over whom it retains any extraordinary jurisdiction after this decision, and what is the nature of that extraordinary jurisdiction? Who are those liable to it? Who are meant to be included in the Admiralty jurisdiction of the Court by the 53 Geo. III, c. 155, s. 110, and to be excluded from it by the Bombay Charter, in the clause which may be found in the printed copies at p. 43? The direct contradiction between the statute, and this part of a Charter granted 11 years after the passing of the Act, is only another instance similar to that which I noticed in the first paragraph of this paper, relating to the Revenue; and I could adduce others. Both of the statutes which authorized the Charters of the Madras and Bombay Courts, expressly provided that they should have the same powers as the Court at Fort William, but the Charters themselves purport to give powers much more limited. In this case, are the statutes, or the Charters made under them, to prevail; and how far do the Charters of the new Courts affect that of the older one? Are the limitations on the powers of the new Courts void, as giving powers different from those of the Calcutta Court; or are the powers of the Calcutta Court altered by the Charters of the new Courts? An instance of the importance of these questions is presented by the opposition recently made at Bombay by the Government, to the writ issued into the provinces for the purpose of compelling the production of a native witness. There is a clause in the Madras and Bombay Charters, which purports to prohibit the Courts from compelling the attendance of native witnesses, at least in civil cases, in any other way than they would be compelled to attend a Native Court. This is resolving the necessity of attendance into the will of the Governor in Council, who can regulate as he pleases the practices of the Native Courts. Then is this clause restrictive to that extent of the process of the Court at Fort William, as well as at Bombay, or is it restrictive of neither? The question is not whether the Courts, in a matter of pure discretion, will attend to such an indication of what has been thought right by those who advised His Majesty in the wording of the Letters Patent; but whether the Courts have or have not a right to refuse a *subpœna*, or a *habeas corpus ad testificandum* to a suitor, a dependant, a prosecutor, or a culprit; and whether, upon a mandamus issued under the statute of 24 Geo. III. c. 25, by the Court of King's Bench in England, directing the Judges in India to take evidence in a suit pending in England, they would be authorized to state, in their return to the mandamus, that they had declined to procure the attendance of some important witness, because it would not have been consistent with the rules of practice established by the Governments for the Provincial Courts.

See also 26 Geo. 3,
57. 28; & 1 Geo. 4,
109.

21. Enough perhaps has been said to make it understood, that it has not been my purpose, in this paper, to extol the present constitution of the Supreme Court,
nor

nor to maintain that its jurisdiction is conveniently settled. But I could not dismiss the Papers which have been laid before the Judges, without showing, that so far from encroachments having been made by this Court, the Court which was intended at first to have been in reality a Supreme Court, has in fact no Court below it except the Court of Requests, not even a single Court of Quarter Sessions having been called into operation; that whatever alterations have been made of the powers of the Court, have had the effect, not of enlarging, but of restricting them; that this has not been done in a direct and manifest way; but the original Charter has remained unrevoked, and its provisions, intended for a very different state of things than the present, are now to be construed in conjunction with a variety of subsequent laws, through which it has from time to time been indirectly and uncertainly influenced; sometimes by the setting up of counter institutions, susceptible of perpetual modification by the Government alone, and without its having been made clear whether they were to have concurrent or exclusive jurisdictions; sometimes by declarations of a part of the jurisdiction of the Supreme Court, in such a way as to leave it to be doubtfully inferred that the *expressio unius* was meant to be the *exclusio alterius*; sometimes by ordinances, which, to persons unacquainted with India, may have borne the appearance of being simple and of little consequence, but in which the most important consequences have been involved; sometimes by flat contradictions, which the Judges are to reconcile as well as they can. In addition to all this, by the obscurity in which the dominion of the Indian territories has been left, and by the uncertain use of the terms "subjects" and "British subjects," the very alphabet, or at least the elementary terms in which the limits of the jurisdiction must be expressed, have been made as it were a foreign tongue. I blame no one for this, but I confess that it rather exceeds my patience to find the Court blamed for the inconvenience which has been the consequence of it. I am deeply sensible of the extreme difficulty of legislating by Act of Parliament or Letters Patent upon the internal affairs of India; I readily admit that the first establishment of the Supreme Court at Calcutta was hastily and improvidently made, and that it stood in need of corrective or supplementary enactments; but I cannot acquiesce in imputations of encroachment against the Judges, because the laws, which they are sworn to declare, have been imperfectly adapted to the circumstances in which they are to operate; such as they are, I have been contented to make the best of them, "*Quæ usu obtinere si non bona, apta saltem inter se sunt*," and by something like a spontaneous adaptation of imperfections to each other, the anomalies of Anglo-Indian law, of which but a small part is comprised in the foregoing statement, have had less of evil effect than might be imagined. I have now assisted for eight years in two of the Supreme Courts, without witnessing in them any difference with the Indian Governments, and without having found it necessary to ask for assistance or remedial interference from any of the authorities at home, nor should I have thought now of detailing the embarrassments which are incidental to the discharge of the duties of my office, if it had been possible to dismiss without observation the remarks upon the Courts which the Governor General in Council, with a fairness which I feel to be a substantial obligation, has permitted the Judges to read. Having gone into the subject, I will add, that the defective arrangements under which it has hitherto been possible to act, it may be more difficult to manage hereafter. The opening of the trade to India has necessarily produced, by degrees, a greater intercourse between the inhabitants of India and those of the rest of the world, that intercourse could not continue long without other persons than the natives finding their way into the provinces, and abiding there; the Provincial Courts in the course of half a century have been gradually acquiring strength and consistency; there was obtained for them, some time ago, a concurrent jurisdiction with the Supreme Courts in some cases, and claims are now made by members of the Governments that their old jurisdiction is exclusive of all other, even to the extent of prohibiting the process of the Supreme Courts from running into the territories within which the Provincial Courts act. At Bombay, the Governor in Council and the Court have recently been in open conflict, and even here, where a perfect good will has subsisted, powers, without which it would be impossible for the Supreme Court to decide any suits at all, or to comply with peremptory enactments of the Parliament, are called in question and impugned. Of the inconveniences which exist and which in these circumstances must increase, I am so far from thinking that the papers sent to us by the Governor General in Council have in any way presented an exaggerated statement, that I am satisfied they do not

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

advert to the most important of them. It may be sufficient to say, that in the Ship Registry and the Mutiny Acts there are several which have not been mentioned.

22. It is not without much hesitation that I proceed to suggest remedies for these evils. I have no means of learning here the views of those to whom it belongs to give any new forms to the Government of India, and what these may be will probably be determined by circumstances of political expediency, which are beyond the horizon of the point at which I stand; there are some whom it is likely I may offend by the plainness with which I must state my opinions if I state them at all. But I apprehend it to have been the wish of the Governor General in Council, that any view which might be given of existing defects should be accompanied by a corresponding view of arrangements adopted for their removal. There is one method proposed in the Minute of the 15th of April which is at least simple, and which would effectually avoid the necessity of any further arrangements; namely, that all the proceedings of the Courts should be according to the will of the Government. The surprise with which I first read this made me read it more than once, and if it is possible to construe it as meaning only, that the process of the Courts, and with some exceptions the laws which they have to administer, should be liable to be altered from time to time, when they should have been found inconvenient, by a well constituted Legislative Council in India, which should itself be really subordinate and accountable to the Crown and Parliament, my assent to it has been already expressed; but if, as the language of the Minute seems to import, it is intended that the judgments and orders of the Supreme Courts, though made according to law, should have effect only by the permission of some other branch of the Government to be given afterwards, or even that the Governor General in Council, as at present constituted, should have the right of altering and limiting the powers or process of the Courts, I beg that my dissent from that plan, and an humble protest against it, may be considered as expressed by me in the most unequivocal and strongest terms. I know that the Governor General in Council may even now make what orders he pleases in his official capacity, and that there is no tribunal in India to which he is answerable, and that this immunity is in a great measure extended to those who act under such orders. I am well aware also, that the Courts of Justice have no means of enforcing the laws which they declare, unless the Government be pleased to assist them; but at present a grave responsibility, in theory at least, is annexed to any refusal to assist in carrying the law into execution, and a more serious one to any positive opposition to it, and neither the one nor the other, I apprehend, would be deemed justifiable in the British Parliament, except upon the ground of urgent circumstances. But the object of the Minute of the 15th of April, if I understand it, is that an interference of the Government with the proceedings of the Courts should be an ordinary operation, and should extend to the annulling of judgments already made, subject only to the general responsibility which is attached to all other acts of Government. Of this I never can express an approbation, until I am told by the sole competent authority, that it has been thought right to make the sovereignty of the King in Parliament only nominal in India, and that there shall be no law there which is not liable to be altered by the executive branch, and not only with prospective but retrospective effect. The Governor General in Council is, both in the theory and practice, almost entirely the organ of the Company. The Commander-in-Chief, who according to usage is one of the Council, is also indeed an officer of the Crown; and the Governor General is only for a time connected with the Company, and in rare instances a person may be found in that situation who has been in India before, and who has talents, information and firmness, which enable him to act in a great measure by himself, but in the long run it is the Company which gives the whole tone and character to the acts of the Government. The President and Board of Commissioners have by statute the amplest rights of control and interference, but after all it is in the Company and its servants only that there is an intimate and familiar knowledge of Indian affairs, and an uninterrupted and continual bias of them, they present a medium through which it cannot always be possible to see distinctly. In short the Board of Commissioners and the Parliament have even now not so much of the reality as of the right and name of the sovereign powers, and if it were provided that the only Courts to which the Company's servants are now amenable in India were to be subjected to the orders of the Governor General in Council, I say that the Company and their servants would at once be sovereigns in India in all but the name

and

and the right, and sovereigns uncontrolled by law. It is with reluctance, but surely not without being called upon to do so, that I touch upon matters such as these. It certainly is not from any ill will nor prejudice against the Company, nor those connected with it, to whom I am not insensible that both India and England owe incalculable advantages, and to whom inasmuch as I believe upon a deliberate conviction that the existence of a political body corporate is necessary for the Government of India by England, I hope to see all their lawful powers of Government, vast as they are, continued and confirmed. The inaccurate and confused enactments and ordinances which have been noticed in the preceding part of this statement might be set right with comparative ease, if they were merely verbal and not connected with faulty arrangements and misunderstandings which lie deeper in the Indian system. There is an utter want of connection between the Supreme Court and the Provincial Courts, and the two sorts of legal process which are employed by them. Lamentable as it is that such a feeling should exist, the exercise of the powers of the one system is viewed with jealousy by those who are connected with the other; every Court in India is liable to be perplexed by the obligation which more or less is imposed upon all, of administering three or four different sorts of law to as many classes of persons. That which is before all other things desirable, and without which the root of these mischiefs never will be reached, is the obtaining a clear and steady view, and the establishing a general understanding of the just rights in relation to India and to each other, of the Parliament, the Crown, the Company, the British people, and the Indian people. It may savour of presumption to lay down the law in matters of such high importance; but on the one hand I am satisfied that no two persons can talk about India without misapprehending each other if they are not previously agreed as to these points, and on the other, I do not believe that there is so much of a positive and fixed difference of opinions respecting them as there is of an indistinctness and fluctuation which a plain statement may remove sufficiently for my present purpose. The Parliament, I conceive, has the whole right of legislation, excepting so much as it may have delegated, and even in that case it retains the right of revoking, modifying, revising, controlling and superintending. The Crown has the sovereignty, with which many dormant rights are connected, and the power of controlling and directing the executive government, and of making orders for every thing which is not otherwise provided for by the Parliament, or by the laws of the United Kingdom. At present the Crown appoints also the Judges of the only Courts to which British persons are generally amenable. The Company, to whose rights of property my present observations have no reference, are in possession throughout India of the whole executive powers of Government in subordination to the Crown, and upon a somewhat different footing from the rest of the particular powers in Bengal, Behar and Orissa, of collecting and managing the whole revenue, of administering justice amongst the Indian people, and of maintaining an army, and they have strong claims both of justice and expediency to the continuance of these powers in their hands, and those of their numerous officers and servants as long as it can be made to consist with the real interests of the British and Indian people, and with the rights of the Crown and Parliament. The British people are entitled to all the benefit which, by the efforts of the Parliament, the Crown and the Company can be made to result to them from a mercantile and general intercourse with India; it was for this object that the Company was created, it was only upon the ground of their exclusive privileges tending ultimately to this object, or in some other way to the common good of the nation, that the grant of them could at first have been maintained to be lawful. The Indian people have not any real interest which is at variance with those I have mentioned; no other calamity could happen to them half so frightful as that the British Government should terminate; and good regulations would make a steady and gradual increase to an indefinite extent of the intercourse between India and England a blessing to both. If, indeed, we were to take up the detestable doctrine, that India is valuable to England solely as it is capable of yielding a surplus revenue to be appropriated by the latter, it would be plain enough that the interests of the two people are at variance; but if the object of the intercourse of the two nations be not to take money out of the pockets of one and put it into the pockets of another, but to interchange all good, whether physical or moral, which may be in the possession of either, and to obtain a wider area and more varied opportunities for the exercise, in right actions and to good purposes, of the faculties and energies of both, then there is but one interest, howso-

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

ever it may be obscured and hidden, and the paths to it may be crossed and perplexed by our imperfect intellects and free-will. Of these rights and powers, the particular points to which my observations are directed are those of legislation and the administration of justice. The legislative power belongs of right to the King in Parliament, but in fact is principally exercised by the Company; for the Regulations of the Governor General in Council are at present the effectual legislation of India, and the Parliament, from an unavoidable ignorance of the internal affairs of India, has had very little to do with these laws either before or after they were made. The whole administration of justice was once on the point of falling into the hands of the Company, when an awkward attempt was made to take it for the Crown, which has ended in its being broken in two, and its being left in its present disjointed and inefficient form. To rectify this state of things, the first object seems to be, that each of these departments of government should be placed more distinctly under one head; that something should be conceded to the Company on the one hand, but that on the other the power of legislation should be secured much more firmly and substantially to the Crown and Parliament than it is at present. If the Company should cease to be in India a commercial body, and become entirely a political organ of Government, I should see no objection against leaving to it all the ordinary administration of justice; but adequate securities must in that case be provided against any invasion of the right of making laws, by the exercise in other hands of a right of interpreting them. I could approve of a change by which every Court in India of primary and original jurisdiction might become what is called a Company's Court, if by means of a well constituted Court of Appeal it could be made tolerably certain that the laws should be administered in the spirit in which they were made, and if by the help of a subordinate Legislative Council in India a real and effective revision of all Indian laws and regulations by the King in Parliament could be kept in operation. In other words, to put the ordinary administration of justice in India upon a good and durable footing, it seems to me that all the officers by whom it is to be conducted ought to be appointed immediately by the Crown, or all by the Company, and that the latter is more practicable than the former; but that to secure the right of making laws from being defeated by the mode of putting them in action, there ought to be a Court of general appeal in India, of which it should be the main object to keep the two powers of making and of dispensing law in accordance and union with each other, and that to enable the Parliament to be really the Legislature of India, there should be in India a Legislative Council, subordinate and responsible to the Parliament. Of these two great links of the political relations of India with the United Kingdom, the mode of establishing one has been under consideration in the earlier part of this Paper. Of the Court of Appeal, I should say that all the Judges ought to be appointed by the Crown, but that a considerable portion of them, perhaps the majority, should be taken from amongst the Company's servants, and that the jurisdiction should be chiefly upon appeal from the Superior Provincial Courts, one of which should be established in Calcutta. Whether there should be an entirely distinct system of Revenue Courts, whether the Court of Appeal should have a general superintendence of the proceedings of the Provincial Courts by some shorter process than formal appeals, and whether it ought not to have an original penal jurisdiction over offences of a high nature, are matters which would require a more minute consideration than I can at present give to them. All the Provincial Courts and Courts of Circuit should have the power of administering law to British as well as to Indian persons, together with a general superintendence over the Zillah and inferior Courts within given districts. For the present it would not perhaps be necessary that the jurisdiction of the Zillah Courts should be altered, but upon this point I am not entitled, by a sufficient knowledge of the provinces, to speak with any confidence. If regular and permanent circuits could not be at once established throughout all India, the existing circuits might be sufficient for a while, or in addition particular circuits might be appointed by the Provincial Courts, from time to time, with sufficient public notice; and the trials of actions commenced in the Provincial Courts might be so appointed in particular parts of the circuits as to prevent as much as possible the expense and trouble of bringing witnesses from a distance. If British persons were to be generally amenable to the Company's Courts, those Courts must be made capable of administering justice according to the principles, at least, if not the exact rules of British law; and for this purpose the Company would have to take into their service, or to educate a sufficient number of English lawyers, to afford the

assistance of a Judge of at least one to each of the superior Provincial Courts. At first it would be necessary, as at present, that actions against Mahomedans, Hindus or British persons, should be determined by Mahomedan, Hindu or British law, according as the defendant might be of one or other of these classes; but this is really so strange a practice that it must be put an end to soon, and in less than another period of twenty years, a well constituted Legislative Council might make one code of municipal law, applying, with a few peculiar exceptions, to all persons in India. The laws of marriage and of succession to property, including the law of adoption, would perhaps be almost the only permanent and insuperable peculiarities; and by requiring that in adoption, the intention of the adopting party should be expressed in writing, this act might be put pretty much on the footing of other obligations and engagements.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

23. The Governor General in Council has been so good as to give the Judges the opportunity also of expressing their sentiments respecting the free admission of all the subjects of the British Crown into India, with the liberty of purchasing and holding lands. This is a subject on which I feel that my opinions are not entitled to much consideration, and I have never applied myself to it in such a way as to be able to go into the details. I have always apprehended it to be an inevitable consequence of a free trade, that the British merchants and agents must not only pass to and fro in the interior of the country, but that they must become connected with the cultivation of the soil. This has, in fact, taken place to a considerable extent, and it seems to be now only a question of degree, not whether British persons shall hold lands at all, but to what extent, in what way, and under what regulations they shall hold them. Decided opinions are expressed by his Lordship the Governor General in Council, and are known to be also entertained by the Secretary in the territorial department, whose great abilities, experience and caution, and especially his intimate knowledge of the revenue system, give to his conclusions peculiar weight and value. These have considerably diminished the apprehensions which I had been taught to feel of the consequences of any great and sudden innovation in this respect; and there was no need of them to satisfy me that "colonization," which, in reference to India, and in the ordinary acceptation of the term, has always seemed to me to be sheer nonsense or something worse, is not what is thought of by the Government. But there is no view which I am able to take of the subject in which it does not appear to be a matter of difficulty, and one which would require many and resolute arrangements to throw all doors open, and to let those come who might choose to come, and those buy who were able to buy, could scarcely fail to produce confusion, there would be a danger at least of many persons coming here without adequate means of providing for themselves, under the mistaken notion, that their own labour or skill would suffice. Destitution in India, is to an European a state of extreme wretchedness, and a wearisome but certain road to premature death. The natives in many parts of India, though not so much in Bengal as elsewhere, would be greatly annoyed by European settlers, especially where the village system prevails. English landowners might be expected to give a great deal of trouble to the revenue department. The rigid system of the land revenue would probably be too strong for them; but what opposition might they not excite against any increase or alteration of the Sayer duties, or the imposition of other taxes, which in the course of time will, in all likelihood, become necessary. An enthusiastic proprietor of a zemindary might make it a focus of missionary zeal, which would disturb a province. New Courts of Justice, and with increased powers, would be wanted. I should think that, if the experiment were to be tried, it had better be confined at first to this Presidency, and either to a large district round Calcutta, or to the immediate vicinities of the superior Provincial Courts, which arrangement need not prevent British persons from occupying indigo, coffee, and cotton factories in other places, in the same way as they now do. When I have been led into conjectures as to the future destinies of India, it has sometimes struck me, that a time might come when there would be an attempt to establish, to a certain extent, a landed aristocracy, by assignments of the land revenue of particular districts in which it has been permanently settled, with such seigniorial or magisterial rights as the Government might be able and willing to annex to the grant. Whenever such assignments could be sold for more than 20 years purchase of the existing revenue, there would be a present gain to the Government, if the purchase money were to be applied in redeeming debt on which so much as five per cent. interest was payable; and if the assignments were not to be made beyond the

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

extent of the territorial debt, I do not see how any claims of property of the Company upon the territorial revenues, whether real or erroneous, could be affected one way or the other. If such assignments were to be made to persons who had been long in the Company's service in India, or to other persons well selected, there would not be much risk in letting other British persons purchase or farm lands under them. For a considerable period it might perhaps be desirable, that these grants should not be inheritable, but that although they should be of the entirety, yet a condition should be annexed for the sale by the executor or administrator within a year after the death of the grantee; certain conditions of residence in India might also be imposed.

24. In consequence of the determination respecting Penang, which is understood to have been made, it seems to have become unnecessary to say anything on the papers which relate to it. I am sorry that I have not been able to compress my observations within narrower limits, but I will not conclude them without offering my sincere thanks to the Governor General in Council, for the communication which has been made to the Judges with so much candour, and so much in a spirit of confidence, nor without expressing an earnest hope, that it may not be thought any undue advantage has been taken of this liberality, but more especially that in the vindication of the Court, which I have felt myself called upon to make, there is nothing which can tend to interrupt or impair the good will which has hitherto subsisted between the Judges and the members of the Government, for all of whom I beg leave to assure them, that I entertain a cordial esteem and perfect respect.

Garden Reach, Calcutta,
2 October 1829.

(signed) *Charles Edw. Grey.*

— No. 21. —

MINUTE by the Hon. Sir J. *Franks*; dated 23 Sept. 1829.

RIGHT HON. LORD, AND HON. SIRS,

IN reply to your Letter of the 14th July last, addressed to the Judges of the Supreme Court of Judicature at Fort William, in which you were pleased to propose to their consideration, that the Members of the Supreme Government and the Members of the Supreme Court of Calcutta should be constituted a Legislative Council, with power to enact laws for the guidance of the several Courts established by the King within the territories of the East India Company, and for the regulation of the rights and obligations of all powers subject to their authority; and in which you expressed your desire that, should our sentiments concur with those entertained by you as to the expediency and necessity of enlarging the legislative powers of Government, we should state the conclusions to which a consideration of the subject might lead us in regard to the mode in which such powers could best be exercised, and the limitations to which the exercise of them could best be subjected. I have the honour to submit to you the sentiments an attentive consideration of the subject of your Letter has induced me to form.

Three questions arise upon that proposal :

1st. Whether the Members of the Supreme Government and of the Supreme Court should be constituted a Legislative Council, for the purposes mentioned in your Letter.

2d. As to the mode such powers could best be exercised.

3d. As to the limitations to which the exercise of those powers could be best subjected.

And to enable me the better to explain the grounds of the opinion I have formed upon these questions, I,

1st. Shall recur briefly to the powers given to the Governor General of this Presidency in Council;

2d. To the sources whence those powers are derived;

3d. State

3d. State over whom, and with reference to what constitutions and codes of laws those powers are exercised, and the consequent difficulty in the station of Governor General in Council, from the imperfect constitution of the Council.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

1st. The powers of the Governor General and Council, are those of a government to make laws, rules and regulations, political and civil, within the Company's territories in India, (subject to such restriction as is provided by the statute 13 Geo. III. c. 63, s. 36 ;) and as time and occasion may require, to modify and administer those laws, rules and regulations for the public good.

2d. They derive those powers partly incident to the high offices they hold by appointment of the Honourable the East India Company, whose powers are derived to them from grants and charters of the Crown, and enactments of the Legislature of Great Britain, that confirm and enlarge the powers of the Company.

1669.—I refer first to the grant of the island of Bombay to the East India Company in the year 1669, (before that time incorporated), to them and their successors. By that grant the General Court of Proprietors, or the Governor and Committee of said Company, are empowered to make laws and constitutions for the government of said island and its inhabitants ; and to impose fines and punishments not extending to take away life or member, so that the punishment should not be repugnant, but as near as may be agreeable to the law of England ; and a proviso was made thereby, that the East India Company should enjoy the several powers granted thereby in all other ports, islands, territories and places they should acquire within the limits of their Charter.

I do not advert to Charters granted to the United Company between the time of the grant of that Charter of 1669, and the year 1773, because by the statute 13 Geo. III. c. 68, and 53 Geo. III. c. 155, s. 1, the whole Civil and Military Government of the Presidency of Fort William, and of all the territorial acquisitions and revenues in the kingdom of Bengal, Behar and Orissa, were thereby vested in and continued to the United Company, during such time as the territorial acquisitions should be vested in them.

A particular provision had been made by the statute 13 Geo. III. c. 63, s. 36, already referred to, whereby the Governor General and Council may make such rules, ordinances and regulations as shall appear just for the government of the Company's settlement at Fort William, and the factories subordinate thereto, such rules, &c. not to be repugnant to the laws of England, nor to be valid until registered and published in the Supreme Court.

The powers thereby given are recognized and continued by the stat. 53 Geo. III. c. 155, s. 98, by which power was given to the Governments of this and other Presidencies of India, respectively to impose duties of customs and other taxes upon all persons resident or being therein, upon all property therein, and also upon such other persons and property as are mentioned in and subject, as in that section.

The 99th section gives power to the Governor General in Council to impose fines for enforcing payment of such customs or taxes.

These are the sources from whence the powers of the Governor General in Council of the Presidency are derived. It is not necessary to refer to those of the other Presidencies.

3d. The Governor General in Council exercises these powers over British subjects, the native subjects of India, Mahomedans and Hindoos, and other persons born or resident in India, of whatever other religious sect or persuasion.

It is not necessary to observe here upon the restricted interpretation given to the words " British subjects." But it appears to me that a legitimate distribution of the people of the Company's territory will be found by classing them thus : natural born subjects of the King, subjects of the King, and aliens.

British subjects are to be governed according to the laws of England, and so far as applicable to or modified for the benefit of that portion of His Majesty's subjects in India, Mahomedans and Hindoos, according to their respective laws and institutions, and all others not Mahomedans or Hindoos, according to the law of their domicile : to that law each owes at least a temporary allegiance, and from it is entitled to protection.

It is a rule of law that statutes enacted upon the same subject ought to be construed together and taken as one code, and thus the spirit with which one law within a code has been enacted, may become a direction by which to interpret different parts of the whole.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

From hence it may appear that the difficulties of the Governor General and Council, from the various other duties of his and their stations, as well as those imposed by such causes, are great. They have to perform with those that require the care of an empire, the application of principles of natural justice to the purposes of municipal laws, to perform at the same time the duties of legislators and lawyers, and to do so amongst a people differing from each other in language, religion and laws.

The case mentioned in your letter, as referred by the Supreme Court to His Majesty in Council, is one that shows inconvenience has been felt from an imperfect state of the law, and the want of sufficient power within this Presidency to reform and amend it as exigency may require.

A case had occurred some time before that, in which a person who had received a wound within the district and jurisdiction of the Supreme Court of Calcutta, afterwards and within a year after he had received that wound, died at the general hospital without the jurisdiction. That case was brought before the Supreme Court, and was referred to His Majesty in Council, for this reason, by the common law of England, a Grand Jury is sworn to inquire only for the body of the county, and if a man had been wounded in one county and died in another, it was doubted whether the offender was indictable in either Court at common law, because no complete act of felony was committed in either of them. By stat. 2 & 3 Edward VI. the Justices or Coroners of the county where the party died shall proceed as if the stroke had been in the county where the party died. Your Lordship and the Members of Council would not have doubted that the terms in which that statute were expressed, and the less so, with reference to the time of its enactment, were such as to prevent its being applicable to this district by any construction; and that as a case that required an extension of the law in like matters to this district, it was proper to refer it to His Gracious Majesty in Council.

To such inconveniences may be added those that had arisen and may occur because of the state of the law as to registration of such rules, ordinances and regulations as come within the provisions of the statute 13 Geo. III. c. 63, s. 36, or are referrible to it. Rules, ordinances and regulations made by the Governor General in Council, by authority of that section, "for the good order and civil government of the United Company's settlement at Fort William, and other factories thereto subordinate or to be subordinate," may after registration be laws to bind the population of countries so extensive, at least as to British subjects, yet there are not any words, save the words "Factories," to confine the authority of such laws to them. But what may be the construction given to those words or that section? It admits the making rules, ordinances and regulations that require the assent of the Governor General and Council, and registration by the Supreme Court before they become law, although under circumstances that preclude the Judges from knowing the reasons of their enactment, or the Governor General and Council from knowing, before registration or rejection of them, the reasons or causes of registration or rejection of them by the Supreme Court.

Thus a rule, ordinance or regulation, well conceived for its general objects, may be rejected, because of some particular clause repugnant to the law of England, the merits of the rule, ordinance or regulation unknown to the Judges of the Supreme Court, and the cause of rejection not known to the Governor General and Council until the moment registration was refused.

It is difficult, if possible, for Government to anticipate, by theoretic views, what laws may be wanted for good order amongst a people; those the results of experience are likely to be best, yet they are to be proved by trial, and either to keep pace with the changes of time or to be left absolute. Thus amendments become necessary, yet are unavailing, because of the distance of the Legislature of Great Britain from you, so that wants are imperfectly communicated, and cannot receive perfect redress.

Whereas, if the rules, ordinances and regulations necessary for government should be proposed and discussed previous to the promulgation of them in the presence of the Government and the Judges, the motives, reasons and ends of rules, ordinances and regulations could be considered by them all before obtruded into law, and ends beneficial to justice might be accomplished, with a concurrence in duty desirable to all, by means not repugnant to the laws of England.

My Lord and Gentlemen, I have considered your proposal with reference to the classes of society, and comparative numbers amongst whom we are placed, without anticipating what a progressive state of society may suggest to your consideration

at

at a future time, and after a most attentive consideration of that proposal, have the honour to express to you that I am convinced good effects would follow from the adoption of it.

2d. The second question arising upon your letter is, in regard to the mode such power could be best exercised; and it appears to me those powers could be best exercised by constituting the Judges of the Supreme Court Members of the Council of this Presidency, together with the Governor General and Members of Council, to be with powers equal to them for the purposes only of making laws, ordinances, rules and regulations for the government of the people of all classes within this Presidency, in matters civil and criminal, provided such powers should not be construed so as to render null any law of England or Great Britain now in force in this Presidency.

3d. As to the limitations to which the exercise of those powers could be best subjected.

That no rule, ordinance or regulation should be made for the purpose of altering, amending or repealing any law or regulation for any such purpose, until notice had been previously given by order of the Governor General, or the order of the principal acting Member of Council of such meeting, to hear, deliberate and decide upon the rule, &c. to be there proposed; and that the like means for promulgation and registration of all laws, rules, ordinances and regulations now requisite by the statute 13 Geo. III. c. 63, in certain, should be adopted in all cases.

In considering the limitation it would be necessary to contrast it with the extent of the power to be given, and for this purpose it might be thought advisable to repeal the 7th section of the statute 13 Geo. III. c. 63, and 53 Geo. III. s. 1, 98 and 99, so far as relates to the powers to make laws, rules, ordinances or regulations, and provide by an enactment, that powers should be given to the Governor General and Council, to be constituted as fully as had before been given by these sections or any preceding law, and so fully as to render their powers further sufficient to the purposes and objects intended.

The Judges of the Supreme Court may be placed in a situation of great responsibility, by taking part in making such laws, rules, ordinances or regulations as may be made; and I take the liberty to suggest, if they should be appointed Members of the Council, it should be lawful for them, or those of them who should attend any Council at which any law, rule or regulation of the Governor General in Council should be made, in which the majority of the Judges who had thereat attended have not concurred, to present their protest to the Governor General in Council, in such protest stating their objections, and the reasons upon which they were founded, to such rule, law, &c. and that every such protest should be forwarded to His Majesty in Council, and to the Honourable East India Company, together with the rule or regulation to which it referred.

It may be objected to the adoption of your proposal, that it would effect an union of the legislative and judicial powers, such as writers upon the theories of laws would prevent. But with the utmost deference to their opinions, the union proposed is not such as they contemplated. That proposed is not an union of the entire legislative with the entire judicial; that proposed would give participation in the legislative to the judicial, without giving judicial to the legislative; a voice to the judicial, not a will to the legislative.

Objection made to.

The objection would not be applicable in any criminal case, because in such cases jurors are triors of facts.

Cases within the jurisdiction of the Supreme Court at the civil side are tried by the Judges without the intervention of a jury. It may be thought (as to me appears) advisable to consider whether the trial on certain cases might not be by jury; as in cases of libel, and breach of contract of marriage or seduction; and that there should be a discretionary power to the Judges in other cases to order juries, triors, to be summoned. The objection, even if it ought to avail at all at the civil side, would thus be less of force; but when it is recollected that every adjudication at the civil side, when the same exceeds 1,000 pagodas, may be reviewed by an appellate tribunal, it will appear the judicial power in this Presidency is different from what those writers had in contemplation.

My Lord and Gentlemen, I here conclude, in reply to your letter of the 14th July last, most respectfully requesting that I may be excused by you for the length to which my letter has gone, as it proceeded from a desire to lay before you the grounds of the sentiments I have submitted to you.

Several documents have been handed to me by the Chief Justice of the Supreme Court, since I received and while writing my reply to your letter. I shall now proceed to advert to them.

Answer to Minute
2, &c.

The first of these documents is a Minute, dated the 15th April 1829, signed by the Hon. Sir Charles Metcalfe, Bart.; but as it contains, in a more condensed manner, objections contained in the other documents, I shall confine the observations I am about to have the honour of submitting to your Lordship and the Honourable Members of Council, to the statements and order in that Minute. It suggests, for the reasons stated in the Minute, that it is necessary to determine whether in matters of doubtful dispute the Government or the Court of Judicature ought to be supreme. I would not venture to contend for, or maintain the affirmation of the proposition in either branch of it. It is for the Legislature of the United Kingdom of Great Britain and Ireland, in its wisdom, to consider whether the laws and institutions of England have not prescribed to the magistracy their respective duties in the gradations of society, and whether an observance of those duties must not prevent collision between them, by means not repugnant to the constitution.

Extent of Juris-
diction.

2d. That the extent of jurisdiction of His Majesty's Court of Judicature should be accurately defined.

By extent of jurisdiction of a Court, I mean such power as it may lawfully exercise over certain classes of people, within certain limits, by settled process of law.

The statutes intended to define the jurisdiction of the Supreme Court within this Presidency are, the 13 Geo. III. c. 63, s. 14, the Charter of 1774, (in effect a statute,) ss. 2, 4, 13, 14, 15, 19, 22, 23, 26, 27, qualified as to the 13th s. of the Charter by the provisions of the statute 21 Geo. III. c. 70, s. 17. It is not so important to inquire whether doubt has existed, as whether it does exist in the construction of these statutes. If there does, surely it is better to define, declare and promulge the jurisdiction of the Supreme Court. It has jurisdiction, as a Court, civil, criminal, ecclesiastical and admiralty, in distinct capacities.

Order of the Juris-
diction of the Su-
preme Court.

I shall refer to the institutions of its jurisdiction in this order, civil, criminal and ecclesiastical; each owes its origin to the statute 13 Geo. III. c. 63. It was enacted long after incorporation of the East India Company, and after it acquired extensive territories in India, and after it had added to the number of His Majesty's subjects who had come into India from His Majesty's dominions in Europe, the population of native subjects contained in those territories. It may therefore be supposed, that when the Legislature declared its intention, by the statute of 1773, the 13 Geo. III. to constitute a Supreme Court at Calcutta, as in the words of that statute, "to have full power and authority to exercise and perform all civil, criminal, and ecclesiastical jurisdiction," it had in contemplation, at least for purposes of prevention and punishment of crimes, other classes of His Majesty's subjects within the territories then belonging to His Majesty acquired to his dominions, besides His Majesty's subjects purely British. My reasons for supposing it had, are, that taking these sections, the 13th and 14th of the 63 Geo. III. and 13th and 19th of the Charter together, they give civil jurisdiction, according to the English law, over British subjects, within the town of Calcutta, factory of Fort William, limits thereof, and factories thereto subordinate, in Bengal, Behar and Orissa, and criminal jurisdiction within the same limits, over those and all other subjects of His Majesty.

The statute 21 Geo. III. c. 70, is more precise as to the limits of the jurisdiction of the Supreme Court; it provides that the Supreme Court of this Presidency shall have power to hear and determine suits against all the inhabitants of Calcutta, saving to natives, as by that section, the right to have justice administered to them according to their own laws. But I do not find, in that or any other section of the statute or charter, any limit to the jurisdiction given to the Supreme Court of this Presidency, as to the offences committed by any of His Majesty's subjects in the factories of Fort William, or factories subordinate thereto.

Cause of the doubt
as to Supreme
Courts' Jurisdic-
tion.

The doubt left by these sections appears to have been because limits had not been fixed, or directed to be fixed to factories. It is merely a matter of mensuration in one sense, in another a matter of policy, that ought now to be determined, not by deciding what might have been intended, but what was most likely to conduce to the public welfare.

Although the law has described the limits as to place, and the classes of persons who are to be subject to the jurisdiction of the Supreme Court of this Presidency,

by

by construction of words that admit, to certain limits, the issue of its process ; no process of the Supreme Court of this Presidency can issue unless signed by one of its Judges ; process of the Supreme Court issues grounded upon an affidavit that the defendant is liable to the jurisdiction of the Court, by what means, and of the cause of suit.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

By construction given to the word "inhabitant," not only residents in Calcutta, but also persons, natives, who have houses called family houses, or houses of business, wherein gomastahs, clerks or servants reside, have been and are held to be liable to its jurisdiction and process.

Inhabitants.

The word inhabitants was used in the 17th section of that statute in a clause that gave jurisdiction in such matters to the Supreme Court, and it became the duty of the Court to construe and apply that word, as it had been construed and applied in England.

Legal use of that word.

A person who having such a house and servants residing in it, although not a resident in it himself, must be supposed to have persons there whose duty it is to receive writings and orders left there for him, and processes of law served there, as well as any other writings or orders.

The construction of the word "inhabitants," has arisen in England at various times, and in many instances ; I shall mention one. By the statute 22 Hen. VIII. c. 5, for Repair of Bridges, it is enacted, "That if the bridges shall be without the city or town corporate, the repair shall be made by the inhabitants of the shire or riding within which the said bridges decayed shall happen to be."

2d Lord Coke's Institute, 697.

Lord Coke's comment upon this statute, p. 702 of the same book is, "the persons to be charged by this statute are comprehended under this only word [inhabitants,] which word is needful to be explained, being the largest word of this kind ; for although a man be dwelling in a house in a foreign county, riding, city or town corporate, yet if he hath lands or tenements in his possession or manurance in the county, riding, city or town corporate, he is an inhabitant, both where his person dwelleth, and where he hath lands or tenements in his own possession, within this statute."

Ibid. 702.

In the case of the Attorney General v. Forster, 10 Vez. Rep. 339, comments upon various interpretations are given to the word "inhabitants." The Supreme Court appears to have construed it according to law, and the exigencies of time and place.

Lord Eldon, of that word.

It is now (as I conceive) understood by persons in that Court, the process of the Supreme Court may issue against British subjects and natives, actual inhabitants of Calcutta, by the statute 21 Geo. III. c. 70, s. 17, subject to the provisions of the Charter, s. 13, and also against natives not actual inhabitants, if constructively liable to the jurisdiction of the Court for such causes as mentioned.

The consequences found to follow from such constructive interpretation of the word "inhabitants," seem to me beneficial to the public, for the reasons I shall take liberty to offer.

Construction given to that word beneficial.

First, because persons who have such family houses, or houses of business, although they reside in remote parts of India, obtain and gain credit, and become debtors and creditors in Calcutta, because of such constructive inhabitancy.

Because, &c.

Second, because creditors who live in remote places may recover debts from persons who are inhabitants of Calcutta. Credit gives facility to trade, and in the relation of creditor and debtor, rights ought to be merely reciprocal as good policy admits.

Third, because of the contingencies, length of time and expenses that intervene, may cause one who should be obliged to sue another in a remote part of India, because of a debt that other had contracted with him in Calcutta. The evidence of his contract must be supposed to be where it was made ; and the expenses of bringing witnesses to a distant place a large deduction from his demand.

Fourth, because the instances that most frequently occur in which such constructive interpretation has been given in the Supreme Court to the word "inhabitants," are those in which joint families, persons joint in trade, or the contract sued upon are the dependants, having family houses or of business, as banker or shroff, for such business ; and in case of joint contracts of any kind, made in or to be performed in Calcutta, if actual inhabitants of Calcutta, shall be those only liable to be sued there ; the plaintiff, with whom the contract was made, if not paid, must proceed by as many suits as there are separate jurisdictions of his joint debtors ; leaving as to the defendant's rights to contribution, each from the other, to pay the plaintiff undetermined.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

3d par. of the Minute. I do not believe it was the intention of the Legislature that the Indian subjects of His Majesty should be amenable to two sets of Courts and two codes of laws; nor do I think there is such double effect as stated in this paragraph. The Legislature appears to have given concurrent jurisdiction within Bengal, Behar and Orissa, to the Supreme Court, over certain subjects of suit, as by the 13th section of the Charter, and the 21 Geo. III. c. 70, s. 17, as mentioned in these sections. The system of law is more perfect in England; yet there the subject is amenable to several jurisdictions at law, to that of the Courts of King's Bench, Common Pleas and Exchequer; in equity, to those of the Court of Chancery and Exchequer at its equity side; yet no inconvenience has been found or complained of there for such cause; nor can the subject in England, or within the jurisdiction of the Supreme Court here be liable, in the same suit, to different Courts or tribunals; because, according to principles of natural justice applied to our municipal codes of law and equity, the pendency of a suit in a Court of competent jurisdiction would be cause to abate it, if made subject of suit in another.

4. I know not of the occurrences alluded to in this paragraph, save as traditions of past times.

Case of a native
servant of the King
of Oude.

5. The native alluded to in this paragraph was arrested under process of the Supreme Court, issued grounded upon an affidavit made by a Mr. William Morton, of a debt, because of liability, supposed from constructive inhabitancy.

By the Charter of 1774, s. 15, if a person, or any person acting for him, shall swear that his debtor is indebted to him 100 rupees current, and is subject to the jurisdiction of the Supreme Court, he thereby becomes entitled to obtain a writ of *capias* to cause the person so indebted to be arrested and held to bail, for that or whatever larger sum should be sworn to be due. The 26th Rule of the Court is, that every such affidavit shall not only aver that the defendant is subject to the jurisdiction, but in what manner, as by inhabitancy or other sufficient cause. In the case alluded to, the affidavit stated the defendant was liable to the jurisdiction as an inhabitant of Calcutta. Similar writs are issued forth of the Courts of Law at Westminster by the officers of the Courts, but not for so small sums. The Court here, (Supreme Court,) does not allow a writ of *capias* to issue, save upon affidavit that 400 rupees is due; the Court of Requests has jurisdiction to that amount.

The proceeding being to compel a defendant to appear, is from its nature *ex parte*. When a defendant has appeared, he may plead he is not subject to the jurisdiction of the Court, and the issue thereon is first tried; or he may wave the former plea, and plead he is not in debt to the plaintiff; or plead both. And although the defendant should not plead to the jurisdiction, yet the plaintiff should prove his allegation that the plaintiff is liable to the jurisdiction. So that the Court cannot know how any of these facts are before the trial of them. In the case of the native lately a servant of the King of Oude, he took issue upon both averments; and that of jurisdiction, first tried, was found for him. The decision of the Court, therefore, in effect was, that they had not jurisdiction to try the case of that nature.

He having so far succeeded, obtained an information (a proceeding for an offence charged) against the plaintiff, Mr. Morton, who had caused that arrest, and others his alleged associates for a conspiracy, to charge him, the native, with a debt, or have him thereupon arrested. In such a proceeding, malice is an integral part of the offence. But if the prosecutor in the information was in fact indebted to the plaintiff in the action at the time of the arrest of the defendant in the action, the charge of malice was answered. Thus the question, whether debt due or not, incidentally arose. There was evidence to show the defendant was indebted at the time of the arrest to Mr. Morton, the plaintiff. He since then died. But until the question shall be tried (if it ever should) in a direct issue between those who represent him, and that native, it cannot be known the allegation of the debt was false.

6. The charge is general, I know not to what it alluded; no bond can authorize seizure of property as therein stated, unless judgment had previously been obtained upon it, and execution thereon issued, without statement of the facts, however a presumption ought to exist if there was a bond, and judgment upon it, either that a suit upon the bond was not defended or that judgment was had by consent, or possibly upon a verdict after trial of the merits.

Upon paragraph 7, I request permission to refer to the reply of Sir Charles Grey,
Chief

Chief Justice of the Supreme Court, to the Minute upon which I at present have the honour to observe, for a statement of the case referred to in that Minute. My reasons are, he was the Judge who presided in the ordinary course of business during the sessions for criminal business at which that case was tried.

The course of business at the sessions for such purpose is, that all the Judges sit during the charge to the Grand Jury, of the Judge who presides.

The other Judges retire after the preceding Judge has charged the Grand Jury, and unless upon a trial upon an indictment for the crime of murder, or some case that may require the attendance of all the Judges, they do not meet again upon the affairs of that sessions until they have been concluded.

Whereupon all the Judges meet in chamber, to hear the reports of the Judge who had presided, and decide upon the sentence that ought to be pronounced upon each person who had been convicted before him during the preceding sessions.

At the close of those sessions, the Chief Justice read his notes of that case to his brethren, and suggested to them to consider whether it would not be right humbly to submit the facts of it to the consideration of His Majesty in Council.

The suggestion of the Chief Justice was approved by his brethren. It appeared to them, that as doubts were spread as to the jurisdiction of the Court, and as grounds to sustain such doubts were to be found in the Charter, it was better to refer the case, with the respect due to that high tribunal, to the Court of Appeal from the decision of the Supreme Court, that by the authority of the adjudication of a Court of ultimate resort, the law should be so declared as to prevent doubt upon such case in future.

The case alluded to was thereupon signed by all the Judges, for the purpose of being humbly submitted to the adjudication of His Majesty in Council; and I most respectfully expressed my hope, that after the facts of that case shall have been referred to, they may appear sufficient to show, the Judges who so acted were under the impression of a proper caution in the administration of justice, and not acting under the influence of a desire to extend the jurisdiction of the Supreme Court of this Presidency. I do not know to what the statement in the 8th paragraph alludes. A Court of Equity, in the exercise of its jurisdiction, acts in *personam*, and, because of its jurisdiction over the person of a party to a suit, may have jurisdiction over property without the jurisdiction. The jurisdiction over persons may be (as has been shown), because of constructive residence. The statement in this paragraph, as to European Receivers, alludes to matter not brought to the notice of the Court; I know not of them; of the Receivers as appointed by the Court I shall make some observations in progress.

The orders of Court are void as to persons not parties to suit, or served with its order.

I concur in the statement in the Minute, that a clear definition of the extent of the Court's jurisdiction, with respect to native subjects resident beyond Calcutta, is required. The sum of my reasons is, that when the statute 13 Geo. III. was enacted, the British subjects of His Majesty "were but a few of them, and they strangers in the land."

They are described in terms that cannot be misapplied, when the words British subjects are used, in statute 13 Geo. III, c. 63, s. 14; but in that section the words "subjects of His Majesty" are used; so in the 13th section of the Charter of 1774.

The 19th section of the Charter appears to me to have been intended to make all persons within the limits of Calcutta, factory of Fort William, and subordinate to it, amenable to the jurisdiction of the Court, as to offences.

These sections are referrible to the times in which they were enacted, and account for doubts that may exist as to classes of persons over whom the jurisdiction of the Court should extend; but if the limits of the factories of Fort William, and thereto subordinate, should be marked out, and the construction put by the Court upon the word "inhabitants" acquiesced in, or it should be defined, I apprehend any questions that cause disquiet upon these topics would be set at rest.

I had already had the honour of submitting to you what occurred to me upon the interpretation of that word, and the consequence that might follow from taking from the Supreme Court its jurisdiction over "inhabitants" in a constructive sense, such as has been explained.

The latter part of the 8th, and whole of the 9th, relate to Madras; the 10th, 11th and 12th paragraphs to Bombay.

Declaration that the Judges do not desire to extend their jurisdiction.

I beg leave to observe upon part of the 12th paragraph ; it applies to a supposed desire of the Court to extend its jurisdiction. I assure the honourable Baronet I have not been, nor do I believe my brethren have, or are desirous to extend its jurisdiction. The duties of their office place them in a situation that sometimes make their refusals of applications seem a denial of justice, and at other times subject their compliance, under circumstances that require it, to the censure of an encroachment of jurisdiction ; each case ought to be judged of by its facts and circumstances, and the Judges of the Court by what is apparent and probable. Their occupations are many and continued, in an exhausting climate ; and, conscious of their responsibility, they are more anxious to perform their duties than to extend their jurisdiction.

To the considerations suggested 1st, 2d, paragraph 12, I have already submitted such observations as occurred to me.

The observations that follow in paragraph 12, lead to a statement of the classes of persons subject to the jurisdiction :

1. British subjects ; 2, 3, 4 (front).

Inhabitant, to define, not necessary.

It appears to me an accurate classification.

But I take the liberty to say, it appears to me rather advisable than necessary to give a distinct definition to the term "inhabitant." The law of England, and the interpretation given to that word by the Supreme Court of Calcutta, leave it now without doubt. It has been applied by adjudication to persons who reside out of Calcutta, however distant, if within the Company's territories, and that the cause of their being held so liable is their having houses and servants in their pay residing in them, within Calcutta. It thus becomes a question of expediency, whether the law is to remain as received by the Court, or altered as to constructive jurisdiction upon which it has acted.

Arrests in territories of Native Princes.

The Minute states that the law ought to be declared as to acts committed within the territories of Native Princes.

The suggestion probably arises from the statute 33 Geo. III. c. 62, s. 66 ; I have not heard of the case alluded to.

That statute must have been enacted for the vindication of Native Princes, and it may be approved, that their magistracy should concur in giving operation to it. Thus, provided that no arrest of a British subject, charged with an offence committed in the territory of a Native Prince, should be lawful, unless the warrant for his arrest, lawfully issued forth of the Supreme Court, had been endorsed by a magistrate of competent authority within the territory of such Prince, to authorize an arrest for such an offence.

The Minute states, that process of the Supreme Court ought to be executed by the local magistrates, and by the officers of the Supreme Court.

Receivers.

The process alluded to I take to be that of sequestration, or effected by appointment of a Receiver. The effect of appointing either is the same as to the lands of the party. Such officers (for by appointment they become so far officers of the Court) are authorized by the orders that appoint them to receive the rents or other property liable by the process of the party against whom it issues.

The object of such process is to compel a party who has disobeyed the process, decree or order of the Court, to be obedient to it, or in cases of doubtful right appearing upon the answer of a defendant to a suit, to have the rents or other subject of the suit, where of nature to admit it, paid into the Accountant General's hands, and placed in bank to credit of the pending cause, in *usumjus habuistis*.

Before appointment of such officer, the Court refers it to the Master to appoint a proper person, who gives security to perform the duties of it. In the Supreme Court an officer of the Court is, upon consent of parties, appointed Receiver ; but the party upon whose application a Receiver is appointed may nominate who he pleases, subject to such approbation.

After the rents or property have been placed to the credit of the cause by such means, it becomes competent to parties in the cause, or persons who have prior right to the property seized, or subject to the Receiver, to apply to have their rights referred to the Master to be ascertained, and themselves paid. An order is thereupon made, that the Receiver shall account, and the report of the Master bringing before the Court the state of the funds, and right of the applicant, an order is accordingly made. If there should not be funds so applicable, the party who had applied is left, as before, not affected as to his right or remedy, by any order the Court had made.

It

It is necessary the person who should receive money to be so applicable, should be daily liable to the orders of the Court, and to answer for a contempt of Court, in case of disobedience to any of them.

Should officers or local magistrates of the Mofussil be appointed sequestrators or Receivers, they would become thereby, *ipso facto*, officers of the Supreme Court in the causes in which they should be appointed, and subject to imprisonment for disobedience to its orders. If local magistrates or officers, not officers of the Court, were to act as sequestrators or Receivers, it would not have jurisdiction over them.

The Chief Justice of the Court (Cortety) advised that decrees or orders, whereby lands in the Mofussil were to be made subject to Receivers, should be registered in the Native Court of the district where the lands lay. The object was to give notice of the decree, and prevent surprise. To register the decree would give notice of its object. As to lands in the Mofussil, it could not be registered without consent of the Government, nor could the mere registration of it affect any prior right.

I entirely concur in the recommendation of the Minute, that it would be better to place the class of subjects partly European, partly Asiatic, on the footing of British subjects as to the criminal jurisdiction: it would be received by them most probably as a privilege.

I concur in the opinion expressed in the Minute, that as to contracts beyond the local jurisdiction of His Majesty's Courts in these provinces, British subjects ought to be subject to the local jurisdiction; and as to acts or contracts done or made, or lands situate within the jurisdiction (limits of Innan,) of the Supreme Court, British subjects ought to be subject to the jurisdiction of that Court. I however beg leave to suggest, that the removal of the party into either jurisdiction ought to make him subject, as to debts and contracts, to the authority of its Courts, because credit is personal, and liability to debt or contract follows the person to whom it was confided.

I have for some time thought, and have the honour also of expressing concurrence in the opinion expressed in the Minute, that the Supreme Court, constituted a Court of Appeal from the decrees of the higher Local Courts, might, under modifications, be productive of public benefit. Upon this subject, so important, it may be thought advisable to consult the retired Judges, who now in England have much information and experience as to the constitution of the Supreme and Local Courts in India.

The benefit to the public I should expect from such a constitution of the Supreme Court, would be, that still preserving to His Majesty's British subjects in India the right and administration of English law, a Court so constituted for such purposes would promote inquiries in judicial proceedings according to English law of evidence, and attain greater uniformity of decision; subsidiary alterations, as supposed by the Minute might be expected to follow.

Rules of evidence, in every state, are modes of inquiry into truth, and tend to that end most directly by the testimony of credible witnesses, and relevant documents.

The rules of evidence of the laws of England are not voluminous, considering the various jurisdictions and classes of subjects to which they relate, its tenures, commerce, revenue, contracts, offences committed within its territories, and some even without them, its Justices of Peace, and summary, as well as plenary authorities. The rules of evidence would be considered concise, if referred to each head to which they might be applied. The rules of evidence of Mahomedan and Hindoo law are far behind where either law prevails, sometimes giving credit to the greater number of witnesses, and sometimes rejecting them because of kindred.

The laws of succession to lands in different countries owe each their origin to some particular cause, feudal or commercial. In India the laws of succession seem to have been produced from suggestions of nature to provide for offspring, widow, and kindred, and they prescribe rules for partition amongst them.

The laws of contract of most countries have resemblance to each other, to have been the result of like necessity, and progression of causes.

Service and hire, buying and selling, loan and pledge, mortgage, &c. relations of contracting parties, that each suggest a necessity of duty, are common to the laws of England, Mahomedans, and Hindoos.

I apprehend the rule as to liability to jurisdiction of an executor or administrator is, as supposed, to be the correct rule by the Minute; that persons in such relation

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Registration of Decrees in the Mofussil.

As to principal jurisdiction, subjects partly European, part Asiatic, to be subject to British law;

British subjects, as to civil, to the local;

Subject however, &c.

Supreme, to be a Court of Appeal.

Benefit to be expected.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

ought to be subject to the jurisdiction, because of such debts or contracts of the deceased, as they may as his representatives be held liable to perform such as plainly and necessarily arising out of, are incidental to the inquiries to which such debts and contracts give rise, and none other.

(signed) *John Franks.*

— No. 22. —

MINUTE, by the Hon. Sir *E. Ryan*; dated 2 October 1829.

RIGHT HON. LORD, AND HON. SIRS,

IN reply to your letter of the 14th of July 1829, I have the honour to communicate the opinion which I have formed on the expediency and necessity of enlarging the legislative powers of Government, of the mode in which I conceive such powers can best be exercised, and the limitation to which the exercise of them should be subjected.

I have not, however, felt it necessary to confine the expression of my opinions to the nature and construction of the proposed Legislative Council; the papers which were under the consideration of Government, and which accompanied their letter, have induced me to enter into other matters connected with the administration of justice in India, and to explain some instances in which the Court is supposed to have exceeded its jurisdiction, and as to which, it appears to me, much mistake and misapprehension has existed in the minds of some of the Members of Government.

I have found it most convenient to arrange what I have to offer on these subjects under the following heads:

I. The inconveniences and evils attendant upon the present imperfectly defined jurisdiction of the King's Courts in India.

II. The alterations in the judicial system of India which a free admission of Europeans would render necessary.

III. The expediency and necessity of enlarging the legislative powers of Government.

I.

Upon many of the questions relating to the jurisdiction of the King's Courts in India it would not have occurred to me to make any observations had they not been presented to my notice by the papers which accompanied the letter, and particularly by the Minute of Sir Charles Metcalfe. I feel, however, that it is desirable that the Judges should give the fullest explanation in their power of the views they take of what has appeared so objectionable in the supposed assumption of jurisdiction.

1. A recent appointment by the Supreme Court of a Receiver to collect the rent of land in the Mofussil, which had been apportioned under a decree of partition, appears to have led to the consideration of the general question, whether the Supreme Court has jurisdiction over immoveable property in the interior of the country in all cases in which the possessor or owner is personally subject to its jurisdiction.

Many supposed cases of evil likely to arise from the exercise of such a power have been stated, and there appears to be a general opinion entertained by the Members of Government, that neither the Charters nor Acts of Parliament confer on this Court the power which it has assumed over land in the provinces.

That there is little or no reason to apprehend that any great practical evil has as yet arisen, may be safely inferred from no instance of the kind having been mentioned, although the Court has exercised this jurisdiction from its first establishment. The Minutes of Mr. W. H. Macnaghten and Mr. Hogg have satisfactorily shown that neither the revenues of the state or the occupiers of the land are in any way prejudiced, and that the fears which are entertained are chiefly founded on mistaken notions of the control which the Court exercises over the Collectors and occupiers of land. But without stopping to consider evils that have not arisen, and which, if likely to occur, might easily be avoided, with the assistance which I am sure this Court would receive from the Local Government, I proceed to the more general question, whether the Court has exceeded its jurisdiction.

The

The 13th section of the Charter of 1774 gives the Supreme Court power and jurisdiction to determine all actions and suits of what nature or kind soever, &c., or any "rights, titles, claims or demands of, in or to any *houses, lands* or other things, real or personal, in the several provinces or districts of *Bengal, Behar and Orissa*, or touching the possession or any interest or lien in or upon the same, and all pleas, real, personal or mixt." It then goes on to specify the persons against whom such suits or actions may be maintained. The 14th section empowers the Court to give judgment between the parties to such suits. The 15th section authorizes the Court to issue writs of execution to the Sheriff, commanding him to "seize and deliver the possession of houses, lands or other things recovered in and by *such* judgment, or to levy any sum of money which shall be *so* recovered, by seizing and selling so much of the houses, lands, debts or other effects, real and personal, of the party against whom such writ shall be awarded, as will be sufficient to answer and satisfy the said judgment, or to take and imprison the body of such party or parties until he or they shall make satisfaction, or do both, as the case requires."

From the express words of the Charter, from the constant usage of the Court, from a similar construction having been put on the Charters at Bombay and Madras by the Judges of those places, from the absurdity which would follow in giving the creditor the right to imprison his debtor, but not to take his property, I cannot entertain a doubt that this Court has, and that it would be an anomaly if it had not, jurisdiction over immoveable property in the provinces, in all cases in which the person interested in such property is personally subject to its jurisdiction. I must confess it is with some surprise that I find such strong statements of the Court's interference with landed property in the provinces being an encroachment not contemplated by the Legislature or the Charter, after the Government has so long been in the possession of the views of those on whose opinions they would naturally rely in matters of this nature. The Advocate General at this Presidency in 1805, Mr. Robert Smith, says, "It is perfectly clear that property throughout these provinces is liable to the process of the Supreme Court, wherever the proprietor is subject to its jurisdiction." "It is equally clear," (he adds) "upon the most acknowledged principles, that in cases of dispute whether the proprietor be or be not subject to its jurisdiction, or whether property attached by its process be or be not subject to its jurisdiction, or be or be not the property of a given person, these questions of fact must necessarily be tried before the Supreme Court itself; that the only way of contesting them directly, and procuring them to be countermanded or annulled, is by an application to that authority; and that a forcible resistance ought to be prevented as a breach of the peace." In 1818, Mr. Machin, Advocate General at Bombay, and Mr. Spankie, filling the like office at this Presidency, gave opinions to the same effect.

Doubts having arisen at Madras as to the exercise of this power;

The Court of Directors in 1823 took the opinion of their Standing Counsel, Mr. Serjeant Bosanquet, who says, "there can, I apprehend, be no doubt that the jurisdiction of the Supreme Court does extend to the attachment and sale of property belonging to persons subject to its jurisdiction, wherever situated."

2. Another instance in which the Court is supposed to have exceeded its jurisdiction is in the extended construction it has put on the word "*Inhabitant*." As a practical instance of the evils arising from such an extended meaning of this word, the case of *Morten v. Mendy Ally Khan* is alluded to in the Minute of Sir Charles Metcalfe; this cause was tried since I have had the honour of a seat in the Supreme Court.

The jurisdiction was successfully contested by the defendant, and he was decided not to be an inhabitant of Calcutta, because it was not *satisfactorily* shown to the Court that he occupied, by his servants or gomastahs, a house in Calcutta, in which his servants or gomastahs carried on business on his account. There was conflicting testimony as to these facts; some evidence was given of the existence of the debt which the plaintiff claimed; but that question was not entered into fully, it being unnecessary to proceed farther after the Court had decided the defendant not to be subject to its jurisdiction. The defendant did reside at a considerable distance from Calcutta; but it has not, to my knowledge, ever been shown that the debt, on which an attempt was made to arrest the defendant, was not legally due. I am free to admit "that this Court has powers which were not expected at first to have so wide a range; and when, in rare instances, they are called into action at vast distances, that they may be at once ineffectual and inconvenient;" but this

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

objection the Court has not the power to remedy. It may seem "an outrage to common sense to call one a constructive inhabitant of Calcutta who has never been within many hundred miles of the place;" but it certainly is no new doctrine invented by the Judges of the Courts of India for the purpose of extending their jurisdiction: for in my Lord Coke's time it was decided, that a man living in Cornwall may, to many purposes, be an inhabitant of London; and that learned person held, that for the purpose of contributing to county rates, under the statute of Bridge, occupiers of lands, though wholly residing in a foreign country, are assessable as inhabitants.

The most distinguished lawyers of modern times have sanctioned these opinions. Lord Eldon says, "this word is capable of a larger or more limited interpretation; the construction is always to be made with reference to the nature of the subject." "That inhabitancy might refer to residence, or it might be wholly independent of it." "The word inhabitant (says Lord Tenterden, the present Chief Justice of the King's Bench), like many other words in our own and other languages, varies in its import, according to the subject to which it is applied."

Sir Charles Metcalfe thinks, "that persons residing elsewhere, who formerly have resided within the local limits, must be amenable for acts committed during their residence within the limits, but ought not to be so for acts committed within the jurisdiction of the Provincial Courts, or elsewhere beyond the local limits of the Royal Court's jurisdiction." The charters of the Mayor's Court of 1726 and 1753, expressly provided that persons resident at the time the cause of action accrued, as well as those who are resident when it is commenced, should be subject to the Court's jurisdiction. Natives who have traded in Calcutta and have afterwards absconded, have been held subject to the Court's jurisdiction for contracts entered into during their residence. This would be conformable to Sir Charles Metcalfe's views, and also to the express provisions of the charters of the Mayor's Court; and yet this equally deserves the name of *legal hocus pocus*, or *legal legerdemain*, with other cases of constructive inhabitancy; for the party is no longer *resident* within the assigned limits, and cannot therefore, in the common meaning of the term, be called an inhabitant. But this, which Mr. Serjeant Bosanquet states, in the opinion to which I have before alluded, "to be a very reasonable ground of jurisdiction," I admit is very different from the case of a person like Mendy Ally Khan, who had never been in Calcutta in his life. I will not enter upon a legal argument to show that the Court is borne out by authority and principle in the interpretation that it has given to this word, when it includes in its meaning persons who may never have been within the local limits of Calcutta. "Actions (as Mr. Serjeant Spankie observes, in an opinion given to Government) against shroffs at Benares, Patna, &c., who have koties in Calcutta, managed by the gomastah, though the principals never were in Calcutta in their lives, occur daily, and such circumstances have ever been considered a settled ground of jurisdiction as inhabitancy." But leaving the question of technical law, which appears to be so unintelligible, would it be equitable or just, as Mr. W. H. Macnaghten observes, "to allow a man to enter into all kinds of commercial engagements, and to exempt his property from the liability to which he has subjected it, simply because he does not happen to be in the same spot where the contract may have been entered into?" Must the creditor leave the spot where the evidence of the contract is, and follow the person of his debtor from zillah to zillah; or if his property (as with native bankers is constantly the case) is situated in different districts, subject to different Courts, must the creditor employ vackeels or agents to sue in each, and be subject to all the vexation and annoyance of a multiplicity of suits, instead of one; and if he happens to be a British subject not allowed by the law, as it at present exists, to stir without licence farther than ten miles from the Presidency, may he not be wholly unable to select agents in whom he can confide in such Courts? It is to be feared the best that can be selected not unfrequently listen to the proposals of the opposite party, and neglect the interests of their client. I am sure that no restriction would be imposed on the British subject seeking his debtor in the provinces; but when the Judges were called upon to construe the charters and statutes which give the Court jurisdiction, the intention of the whole must be taken, and such inconveniences and evils could not be overlooked. "It may be said (Sir Edward East observes), that the creditors have a remedy in the Provincial Courts; but such is the state of business in those Courts, the uncertainty of the system of law, and the delay and vexation of a protracted attendance, that many persons prefer to abandon their just demands rather than pursue them there;

an evil that must naturally increase with the increasing population of the Indo-British dominions, and is much aggravated by the accumulated arrears of those Courts." I feel confident the only safe construction of the term "*inhabitant*," is that which the Court, in the instance complained of, has adopted, and that any other would have led to much fraud and injustice.

3. Another instance of extended encroachment, on the part of the Court, mentioned by Sir Charles Metcalfe, is the case of Khoda Bhuksh and others. I forbear entering into this question here, because the Judges have put the Government in possession of their views of this case, and of the important questions which arise out of it; from which I am sure Sir Charles Metcalfe will perceive that he was somewhat premature and unguarded in casting imputations upon the Judges of so grave a character, founded, as it would now appear, upon information altogether erroneous.

3. It is thought objectionable that natives (not otherwise subject to the jurisdiction of the Supreme Courts), who apply for probates of wills and letters of administration in order to authenticate their title to property, have in consequence of such acts been held liable to the Court's jurisdiction. A case of this kind, which occurred at Madras some time since, is mentioned by Sir Charles Metcalfe.

It is not my intention to enter into the facts of that case; but as the Court here, to a limited extent, has assumed a similar jurisdiction, it is necessary to state the view I take of this question. This Court has for some time held, that all natives obtaining probates of wills or letters of administration, though not inhabitants of Calcutta, or otherwise subject to the Court's jurisdiction, make themselves by such acts liable to all suits and actions relating to the property of the deceased testator or intestate: that they are generally amenable to the Court's jurisdiction, has, I believe, never yet been held in this Presidency.

A practice has certainly prevailed for some time of granting letters of administration or probates of wills to natives; but the ecclesiastical jurisdiction of the Supreme Court, and the right to grant probates or letters of administration, is in terms expressly confined to "British subjects." It is probable that this practice has become prevalent, owing to the refusal of Government to pay money without the representatives of deceased Hindoos or Mussulmen can thus authenticate their title. "In a late instance," says Sir Edward East, "where the Government had reasonably refused to pay money to one who claimed to be the representative of a deceased Hindoo entitled to it, without assurance of his representative character, I could devise no better method, in justice to both parties, than to admit him at his own request to deposit the will as in registry with the registrar of the Supreme Court, on the ecclesiastical side, and to administer a voluntary oath, at the Hindoo executor's request, verifying the will and his own representative character. But by way of precaution, and that no person might be induced by it to attribute a greater authority than belonged to such an act, I directed the registrar to draw up the verification in writing, which was to be given to the party by way of memorial of his claim, as having been made *voluntarily*, and noting that the will was *not registered*, but voluntarily deposited as a registry."

The Court having no power to grant probates or letters of administration to deceased Hindoos or Mussulmen, although the party applying may be a native inhabitant of Calcutta, and it having been uniformly held that no such authority is necessary to establish the title of parties who sue in the Supreme Court as the representatives of such persons, I am unable, although I speak with the greatest respect and deference to my learned brethren who are of a different opinion, to see how an extrajudicial proceeding on the part of the Court, totally unwarranted and unauthorized, can make persons subject to its jurisdiction, although such proceeding may be at the request of the party who is thereby held to render himself amenable.

This view of the law was formerly taken by the Supreme Court at Madras in 1815. The Court *then* held that the taking out of probate of a will by a native, not an inhabitant of Madras, did not make him subject to its jurisdiction, even with reference to matters relating to the will; and the Judges also thought it wrong to grant probate where it could not punish a party guilty of perjury in obtaining it, nor call him to account for a mal or mistaken administration of his trust. According to the opinion I have formed of this exercise of jurisdiction, I am bound to say that the Court has exceeded its powers, and that the observations of Sir Charles Metcalfe are in this case well founded.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

5. It is not my intention to enter into any explanation of the objections which are contained in the Minute of Sir Charles Metcalfe to certain proceedings of the Courts at Madras and Bombay. I feel that it would be more respectful to the learned persons who preside over those Courts that I should abstain from reviewing their proceeding, with which indeed I am not sufficiently acquainted to speak with accuracy.

From similar motives I abstain from making any observation on the papers relating to the Recorder's Court at Penang, particularly as it seems not improbable that the proceedings of that Court may become the subject of inquiry in England.

6. As a remedy for evils which may arise from the Supreme Courts in India assuming a jurisdiction which the Government may think they do not possess, it is proposed by Sir Charles Metcalfe that there should be vested in the Government the power of calling upon the Court to explain the grounds of its proceeding; and if, notwithstanding any explanation they may receive, they remain convinced of the illegality of the supposed extension of the Court's powers, they should have a right to appeal, *and* in a case which *they may judge* to be of sufficient importance, the power of arresting the progress of the encroachment pending the result of the appeal.

For the first part of the suggestion, namely, that the Court should explain the grounds of its proceeding, there can be no reason for any legislative enactment; it is the practice of all Judges in English Courts of Justice to explain the reasons on which their decision is founded. In the Supreme Court of this Presidency it is the custom of the Judges, where the parties have the power and are desirous of appealing, to deliver, if requested, their judgments in writing, in order that they may be transmitted to the higher tribunal if the parties think fit. That the Government should have the right to appeal, in any instance in which they thought the Court had exceeded its jurisdiction, would be a course to which the Judges could in no way object; on the contrary, it would be a satisfaction and relief to them to have all doubtful points settled by the highest tribunal; but in civil proceedings the suitors might have interests with which the course proposed to be adopted might interfere, and as regards them this power would require to be exercised with some limitations and restrictions. The only part of the proposal which I think objectionable is, that the Government should have a discretionary power of suspending the functions of the Court whenever they may deem it expedient. To invest the authorities here with such a power would be contrary to all principles of English Government as exercised in the other colonial possessions of the Crown, and possessed only by the most despotic governments in the world.

The necessity of the separation of the judicial and executive power is the commonplace of all text writers on the English law and constitution, and I confess I can see nothing in the constitution and powers of the King's Courts in India, or in the circumstances of the country in which we are placed, which could authorize so dangerous an infringement of all first principles of British Government. That the jurisdiction of the King's Courts should be accurately defined, and that its powers should be restricted and limited in such way as the Legislature shall think most beneficial for the interests of all concerned, is most desirable; but the law having been fixed, it cannot be left in uncertainty as to who are to be the persons to interpret it: some set of persons must be assigned for that purpose. If the Judges appointed by the Crown are to be the interpreters, their judgment must be final, until reversed by some tribunal empowered to review their decision. By the Charters of the Mayor's Courts of 1726 and 1753, the suitors of the Court in civil proceedings had the power of appealing to the Governor and Council, whose decision was final, if the subject matter in dispute did not exceed 1,000 pagodas; but in case it exceeded that sum, the parties had a right to appeal from their decision to the King in Council.

An attempt to introduce a similar provision was made by Mr. Sullivan in 1772, but his bill was thrown out, and the Act of Parliament passed which authorized the Crown to grant the present Charter, making the appeal direct to the King in Council. It is obvious, therefore, that the Legislature at that time did not think it fitting that the decisions of the Supreme Court should be reviewed by the local Government, even in a legally constituted Court of Appeal, though Courts of this description, of which the Governor and Council are members, exist in most of the other colonies. If the Parliament should vest in persons here the power of
making

making laws for all classes of His Majesty's subjects, then indeed there would be a ready and constitutional means of avoiding all difficulties that could arise from any interpretation being given to the laws which was thought injurious to the interests of the State ; and even without such a power, I do not mean to say that some great question of state necessity or expediency may not make it incumbent on the Government to interpose its authority, and to prevent the law taking its course ; but these emergencies are of rare occurrence, and are of course only to be justified by the particular circumstances of the case, as are like infringements of the law in England, for which, where the necessity is apparent, Parliament indemnifies the Government against the consequences of their act.

7. Although I have attempted to explain some mistakes and misapprehensions which I conceive to exist, as to the jurisdiction which the Court exercises, I am free to admit that, on several important points, our jurisdiction is involved in doubts, which have given rise to questions of a very embarrassing nature.

Our letter of the 18th of May, addressed to the Secretary of the Board of Commissioners for the Affairs of India, a copy of which was transmitted to the Governor General in Council, will have explained, at some length, many of the difficulties which have occurred to the Judges on the interpretation they are called upon to give to the Charter and Statutes, as regards the jurisdiction which we possess as a Court of Oyer and Terminer.

The civil jurisdiction is not more accurately defined ; and, as an instance of the difficulties in which we are placed, I could only refer to words of constant occurrence in all the Charters and Acts of Parliament relating to this country, namely, "*British subjects*," which are supposed to have a distinct and definite meaning, well understood by all who have been concerned in the administration of justice in the Supreme Courts of India. That the meaning is not so clearly ascertained, but is involved in great obscurity and perplexity, I need only refer to the statements in the letter to which I before alluded ; and, in further illustration, I would ask, are the King's subjects born in his other colonial possessions to be included within the term "*British subject*," so as to be liable to the Court's civil jurisdiction ?

That the term "*British subjects*" is strictly applicable to this class of persons, there can be no doubt. *Nemo potest exvere patriam* is a maxim of our law. The doctrine of allegiance is founded on a mutual compact between the Crown and the subject, and it cannot be dissolved by either without the concurrence of the other. Are this class of persons, when resident in the provinces, to be subject to the jurisdiction of the Court, because they are born in other territorial possessions of the Crown ; and are native Christians to be excluded ? "In what condition," says Sir Edward East, "are native Christians, if they be not British subjects ? They are native born, and cannot be debarred from colonizing in their native and only country. What is the law of inheritance, or succession, or marriage, out of the precincts of Calcutta ? Can the Hindoo or Mahomedan law be administered to them as Christians ? Under what law are the illegitimate children of British fathers to be governed ? What are the laws applicable to Portuguese, Armenian, and other native Christians in the Provinces ?" "That Christian Judges (Sir Charles Metcalfe observes) should try Hindoo prisoners according to Mahomedan law, seems sufficiently absurd ; but that Christian Judges of British blood should try Christians of British extraction by Mahomedan law, seems, if possible, still more strange."

It is true that the law and legislative Government of every dominion equally affects all persons and all property within its limits. Whoever purchases, lives or sues there, puts himself under the law of the place ; this rule is generally simple and plain in its application. The laws of a conquered country remain in full force until they are altered by the conqueror ; but the King has the power to alter the old laws and introduce new. What is the condition of the provinces in this respect ? That the British law has been introduced throughout all the territories of the Crown as regards British subjects is clear ; but natives, from a peculiar signification which these words possess in this country *alone*, are held not to be within the meaning of that term. "Although" (as Sir Edward East observes) "in strictness of law all the native inhabitants within the Company's territories are subjects of His Majesty, and therefore, in an enlarged sense, might be considered to be '*British subjects*,' in like manner as a native of Ireland even before the Parliamentary Union was as much a British subject as a native of Great Britain ; that is, they are

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

native subjects of the British King and Crown, though under different administrations of Government, holding authority under the same Prince; and this, which could never have been seriously questioned after the supremacy of the King of Delhi became purely nominal, is now put beyond all doubt by the formal declaration of the Legislature, in the Act of the 53d Geo. III. c. 155, which asserts the undoubted sovereignty of the Crown over the Indian territories."

Do the old laws of the country, the Mahomedan and Hindoo codes, remain (modified and altered in some respects by the conquerors) applicable to all classes of persons, whether Christians or infidels, and every species of property within the limits of the King's dominions, except that particular class of subjects distinguished by the word "*British*?" or are these laws applicable only to that class of the King's subjects who are infidels, and are all Christian subjects of the King, not included in the term British, as well as foreigners and others residing in the provinces, to be governed by the law of England?

The difficulty arises from two systems of law being in force within the same dominions, and within the same parts of those dominions; otherwise the application of the general rule would be sufficiently simple.

If the old laws of the country remained unaltered, and the King had not introduced new laws, all persons within these dominions would be subject to the same system of laws, except where they were against the laws of God; and in cases where they were rejected on that account, or were altogether silent, the conquered country would be governed according to the rules of natural equity.

But the laws are altered, and a new system partially introduced; and the difficulty is to say, under which set of laws Christians, not being British subjects, according to the technical meaning of that word, are to be governed.

Upon questions of this nature, involved in the greatest obscurity, does the jurisdiction of the Court not unfrequently depend.

Other inconveniences are sufficiently obvious. The great extension of the British territories since the Charter of 1774, has given to the Court a range of jurisdiction which, at places remote from Calcutta, can only be considered a mockery of justice, if it be not the means of fraud and oppression. There can be no doubt, therefore, that difficulties and inconveniences are constantly arising from the undefined and uncertain state of the Court's jurisdiction, which are like perplexing and harassing to the suitors, the Judges, and all who are concerned in the administration of justice.

II.

The alterations in the judicial system of India which a free admission of Europeans would render necessary.

If the views of the Governor General and the Members of Council should be adopted by the authorities in England, and "it should be thought essential to the best interests of England and of India, that an increased facility should be given to Europeans to settle in the interior, and to acquire landed property;" I entirely concur in the opinion expressed by Government, that "serious inconveniences must be experienced, unless the persons allowed to settle are made subject, with the rest of the inhabitants, to the authority of the local Courts." It cannot be presumed that in a country where the population is so dense, and the wages of labour so low, that if Europeans of all descriptions should be permitted freely to resort here, that they will be able, under a tropical sun, to compete with the native labourer; all such experiments must fail. "A labouring class, who should attempt to settle, must perish." It is the free introduction of European capital and skill which the Government appear to think so desirable for cultivating the resources of India, and it does not seem probable that the settlers will for some time be numerous. "So far indeed" (Minute of Governor General) "from fearing too great an influx of Europeans, I confess my apprehension is, that no encouragement we can hold out will induce them to resort to India in the number that seems to be desirable."

But although the numbers who may resort here may not be great, the capital that may be invested in commercial and agricultural speculations may be large, and scattered over a vast extent of territory. To leave the European owner or occupier of lands, or the manufacturer, at great distances from Calcutta, amenable only to the jurisdiction of the Supreme Court, or subject only to the Mofussil Courts, with the limited powers which they at present possess, would tend to such a system of fraud and injustice, and leave the natives so entirely at the mercy of the settlers, that I think it would be an insuperable obstacle to the allowing of Europeans to settle

settle in the interior. I am therefore satisfied that all persons in the interior of the country must be subject to the Courts of the district which they inhabit; but the more difficult question remains, as to what is to be the nature and constitution of the Court to which they are to be subject, and the laws by which they are to be governed? I cannot help thinking the introduction of colonization will render necessary a total change in the whole judicial system of India, both as regards the King's and Company's Courts, and the laws which are administered in them.

It would be presumptuous in me to offer to the notice of Government any views of my own upon so wide and difficult a subject, and upon which there appears to be such a contrariety of opinion, even amongst those who, from long experience and an intimate knowledge of the interior of the country, and the manners and habits of the natives, seem best fitted to suggest the course which such a new state of things would render necessary. Many are the questions to which the proposed change must necessarily give rise.

Would it be desirable, as the Governor General suggests, "that the Supreme Court, instead of standing, as now, isolated from the Government and from the local tribunals, should be rendered a component part of our judicial establishment, the whole being remodelled into one harmonious system?" If the Provincial Courts are to determine all civil and criminal suits between all the inhabitants of the particular district for which the Court is instituted, it would seem desirable that there should be one Supreme Court (something analogous to the King's Bench in England), superintending and controlling all the tribunals of the country. Sir Charles Metcalfe suggests, that in such a case the Sudder Dewanny and Nizamut Adawlut might be abolished, and His Majesty's Supreme Court, at each Presidency, made the highest Court in civil and criminal jurisdiction for all the territories subject to such Presidency. Other suggestions are made by Sir Charles Metcalfe as to the jurisdiction this Court should possess, the persons from whom the Judges should be selected, and the laws by which the different classes of persons subject to it should be governed. Although I refrain from offering suggestions of my own, I may be permitted to express my general assent to the views of Sir Charles Metcalfe, whose great experience and knowledge of all that relates to the government of India give so much weight and importance to any opinion he may have formed.

Would it be desirable to consolidate the English, Hindoo and Mahomedan laws now in force in India, and form one general code, by which all classes of persons in India should be governed? In the letter of Government it is said that the criminal law, as administered by the Nizamut Adawlut and the subordinate Courts in the interior of the country, retains but little of the Mahomedan code, whether in respect to the laws of evidence or as to the punishment annexed to offences. After the application of Mahomedan law to a Hindoo population, and the changes to which this law has been subjected by the regulations of Government, it can hardly be contended that any jealousy on the part of the natives to our further interference is to be apprehended. There are too many instances in which the customs and prejudices of the Hindoos have been superseded and abrogated by the regulations of Government, to leave any doubt that any alteration in the criminal law would be quietly submitted to. Would it be difficult, therefore, to introduce a code of criminal law applicable to all persons; and might not the same course be adopted as to their civil rights, securing to the natives their own peculiar law and usages?

"The only objection that strikes me (Sir Charles Metcalfe's Minute of the 19th of February 1829) to the spread of a British Christian population in India, is the existing discordance of the laws by which our English and our native subjects are respectively governed; this objection will no doubt in time be removed, and the sooner the better, by forming laws equally binding on both parties in all concerns common to both, and leaving to all their suitable laws in whatever peculiarly concerns themselves alone."

Are British subjects, when amenable to the Provincial Courts, to retain the right of trial by jury in criminal cases?

Mr. Holt Mackenzie states, that it would not be very difficult to constitute a jury of four or five persons in each of the principal towns (Meerut, Delhi, Agra, Furruckabad, Bareilly, Allahabad, Benares, Patna, Moorshedabad, Dacca, Chittagong); and Mr. Bayley seems to think, that a jury of Christians of this number might be assembled at those places, though not always Englishmen. It is of course obvious, that if the necessity for juries in the interior arises from the increase

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

of British settlers, that the supply will in a great measure accompany the demand; and, according to Mr. Hogg's statement, there would not now be any difficulty in assembling a full jury of Christians at any of the principal towns mentioned by Mr. Holt Mackenzie. But supposing British subjects to retain their right of trial by jury in all criminal cases, and a code of criminal laws be framed applicable to all classes of persons; is the form of trial of the Hindoo or Mahomedan to differ in this respect from the Christian subjects of the King? I am aware that this is a subject that has of late undergone much discussion, and upon which there is a great contrariety of opinion. The experiment has certainly been successfully tried at Ceylon, as also has the formation of a code of laws; but whether or not the circumstances of the two countries are so totally unlike as to form no ground for its adoption here, I will not take upon myself to say. This question must necessarily press itself upon the attention of those who may have to remodel the Courts of this country upon a free admission of Europeans. On every consideration, it would seem desirable to place *all* classes of His Majesty's subjects in His Indian territories as far as possible under the same laws, amenable to the same tribunals, and to the same forms of trial.

I have alluded only to a few of the questions that must arise, but many hardly less important seem to remain. Is it desirable to introduce the English language into the judicial proceedings of the Provincial Courts, and gradually to abolish the Persian? Ought the principal Judges of those Courts to be selected from regularly educated lawyers? Are European settlers and British subjects to be amenable to Courts of which natives are the Judges? Would it be desirable to employ European settlers, as well as the Company's servants, as Magistrates and Judges; and might it not be a condition of their settlement that they should gratuitously fill those offices, if required by the Government? Is it desirable to diminish the different stages of appeal through which a cause may now be carried? Would it be desirable to have one Supreme Court in India, to which there might be an ultimate appeal, and that the appeal now allowed to the King in Council should no longer exist? Upon all these points and other alterations which would be consequent upon them, various opinions have been expressed, and the best informed and most intelligent writers have been at variance with each other. I advert to them without expressing any opinion of my own, because I am satisfied that they must all be duly considered if there is to be "a change by which the judicature of India, instead of being divided into separate and independent jurisdictions, is to be amalgamated into one."

Of the expediency and necessity of enlarging the legislative powers of Government:

1. Fully admitting the "defectiveness of the existing law, as applicable to the state of things for which it was meant to provide," and conceiving that it may be necessary to deliberate on the means of correcting past omissions, I still think the providing for the exigencies of the future by far the most important consideration.

It can hardly be presumed that the strong representations of this Government will not have their due weight with the authorities at home, and that "the existence of restrictions which impede the prosperity (Sir Charles Metcalfe's Minute of the 19th of February 1829) of our Indian empire," will not be removed if such a change takes place, and it is thought necessary to remodel the whole judicial system of India. By what authority is this principally to be effected? There are but two distinct authorities to whom any alteration or review of the judicial system could be submitted; either the British Parliament, or a local legislative body to whom the Parliament may have delegated its authority.

It would certainly be overlooking all past experience to hope that the many and intricate questions that will arise if the proposed changes are carried into effect, can be provided against by any parliamentary enactments. Parliament would be constantly called upon to remedy defects arising from legislating at such a distance, for a people whose habits and manners are so imperfectly understood, while "the delay which must attend a reference to England for the purpose of removing such doubts, or of reconciling the obligations of the law to the exigencies of the State, might be attended with the most afflicting consequences." The utter impossibility of making laws in England for the millions who inhabit the King's territories in India, must have induced the Parliament to recognize and sanction the vast legis-

lative

lative powers which the Government of this Presidency had assumed without its express authority.

Subject only to the limitations* and restriction of the 21st of Geo. III. c. 70, s. 23, and the 37th of Geo. III. c. 112, s. 7, the Company's Government have the power of legislating for all the population of this Presidency, except the inhabitants of Calcutta and the British inhabitants of the provinces. The 13th of Geo. III. c. 63, gave the Government and the Supreme Court a restricted and limited power of legislating for the inhabitants of Calcutta; and as to British inhabitants of the provinces, the legislative powers of Government are restricted to the imposing of taxes with the assent of the Court of Directors and the Board of Commissioners, under the provisions of the 53d of Geo. III. c. 155. The 36th clause of the 13th of Geo. III. c. 63, provides, "that it shall be lawful for the Governor General and Council at Fort William, from time to time to make such *rules, ordinances and regulations*, for the good order and civil government of the settlement and other places, &c. subordinate thereto, as shall be deemed just and reasonable, (such rules, &c. *not being repugnant to the laws of the realm*), and set, impose, inflict and levy reasonable *finés* and *forfeitures* for the breach or non-observance of such rules, &c.; but the same, or any of them, shall not be valid unless duly registered and published in the Supreme Court, *with the consent and approbation of the said Court*." And then it specifies the mode and time of registry, and gives an appeal to the King in Council, making, however, the law valid in the mean time after its registry.

"By the statute 39 & 40 Geo. III. a further power was given to enforce such rules, &c. by corporeal punishment, that is, by public or private whipping or otherwise; and the statute 53 Geo. III. c. 155, s. 66, requires copies of those rules, &c. to be laid before Parliament."

The Judges of the King's Courts in India have varied in their construction of these clauses, and in their notions of the power which they confer on the local Government and the Court. The ingenious arguments of the counsel on the appeal of Mr. Buckingham against the Press Regulation, show the difficulty of giving any precise interpretation to the words, "contrary to the laws of this realm." Upon the best consideration I can give to the words of this statute, I am prepared to adopt the construction which Sir Edward East has given to them: "But looking first to the terms, *rules, ordinances and regulations*, used in the granting part, which rather convey the notion of a power to carry into effect, by local and subordinate means and measures, the substance and spirit of laws already given, than to originate new laws; shackled also, as the power is, by the express prohibition that those local rules, &c. shall not be *contrary to the laws of the realm*; a restriction very difficult to adapt to local circumstances, and almost irreconcilable with any plain departure from the general spirit of those laws, however proper in different circumstances; and most of all looking at the power given to sanction the observance of such local rules, &c. by *finés, forfeitures and corporeal punishments*: the only construction which could safely be put upon this local legislating power was, that it was to be confined to mere *police regulations* for preserving the peace, preventing and punishing nuisances, and the like, and was not to be extended to a general power of making original laws affecting the liberty or title to property of the inhabitants of Calcutta, including all descriptions, or even the laws, usages and customs of the native inhabitants, though a new law should be given by the local Government to affect the inhabitants of the provinces in the same respects."

If this be the right construction, the legislative powers vested in the several Governments as to the inhabitants of Calcutta, Madras and Bombay, appear to fall short in several respects of what the exigency of the case demands. Sir Edward East conceiving this statute had not conferred on the Government and Court any sufficient power, proposed "to extend the power of legislation at present conferred upon the Governor General in Council, with the consent of the Supreme Court, by enabling them to make general local laws, (such as in fact the Governor General and Council alone have been accustomed to make in the Mofussil), not merely confined to purposes of police, but extending to general objects, which would include laws affecting the native inhabitants." If this proposal had been adopted, the defective state of the law as regards the inhabitants of Calcutta might have been remedied; but British inhabitants of the provinces would not have been affected by it. It is with reference to the inhabitants of Calcutta and British subjects in the provinces, that the necessity and expediency of enlarging the legislative powers of Government seems to arise, particularly with reference to

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Codes of Law.

those who may be allowed to hold land in the interior, and who, as a necessary consequence of such a measure, would not be removeable at the pleasure of Government. Nor are the difficulties that have arisen as to the laws by which native Christians and foreigners of all descriptions are to be governed to be forgotten. If it had been proposed for the first time to give to the Government in this country the power of making laws for such extensive territories, it might have seemed very doubtful whether such a proposition would have been entertained by the British Parliament; but when it is remembered that an almost unrestricted power of legislation has existed here for many years over the great mass of the people, and that a few thousands out of many millions have alone been exempted from this power, or subjected to it only in a limited sense, it seems not very presumptuous to suppose that there can be no very substantial reason why these heretofore excepted classes of persons should not also be made amenable to the local Legislature of the country. I am disposed, therefore, to think that it is expedient to have in this country an authority legally competent to legislate for all classes and for all places.

2. The constitution of this Legislative Council is a question of some difficulty. It is proposed in the letter of Government, that "the Members of the Supreme Government, and the Judges of the Supreme Court of Calcutta, should be constituted a Legislative Council, with power to enact laws for the guidance of all Courts, whether established by the King or by the local Government, within the territories of the East India Company, and for the regulation of the rights and obligations of all persons subject to their authority." It is also proposed that such laws should be registered in the Supreme Court, with the same right of appeal to the King in Council as now exists against regulations made under the 13th Geo. III. The Judges in Court having administrative functions only; and any argument against such laws to be heard, if at all, before the Supreme Council.

The necessity of the separation of the judicial from the executive and legislative powers in a State is a well-known maxim, and in England is one of the main preservatives of the public liberty. If there existed in this country other elements for a Legislature than the union of the Judges of the King's Court with the Government, I should say, even here it would be most desirable not to depart from a principle of very general application, and founded upon the wisest and most enlarged views of political expediency and the constitution of human society. I admit that it is probable the Judges would be of some assistance to the Government in pointing out the legal effect and bearing of the various laws they might deem it expedient to pass; but it might be a more doubtful question, whether either their knowledge or their previous habits of life would render them equally competent to express their opinions upon the expediency of the measures proposed. The question, too, of expediency must not unfrequently be mixed up with political considerations of great weight and moment; and though it is not proposed that the Judges, and certainly it is most desirable they should not, have any voice or opinion on matters purely political, it will still in many cases be very difficult to separate and distinguish the functions they are to perform.

It is true, that on regulations to be registered under the 13th of Geo. III., the Judges of the Supreme Court are now called upon to decide upon their expediency as well as their legality; such is the construction which the late Sir Edward West, the present Chief Justice of this Court, and other Judges, with whom I entirely concur, have put on this clause; and certainly the task at present imposed upon us is much more difficult, where the regulation is presented for registry without our having any previous knowledge of the reasons and grounds on which the Government have thought fit to propose it, than it could be if we were constitutionally enabled to know their views and objects. "Many laws (says Sir Edward West) are evidently expedient upon the face of them, and from the known principles and propensities of human nature require no specific proof that they are so; others may not appear to be expedient upon the face of them, or from the known principles or propensities of human nature, but may be shown to be so by the evidence of particular facts and circumstances." It is impossible to separate the question of legality from that of expediency, or the Judges might be consulted by a Legislative Council, of which they were not constituent members, as the Judges in England are by the House of Lords, whenever they require their opinion on points of law. I am, however, induced to think that, from the mixed nature of the Government of this country, it is not likely, nor do I think it desirable, that the Company's
Government

Government should alone possess the power of legislating for all classes of the King's subjects in India.

It would seem that as to those places where the King has introduced the English law, and as to that class of persons who are denominated *British* subjects, no power of legislating is intended to be conferred on the Company's Government, except under the control of the Judges, who are appointed by the Crown, are unmixed with the Company's civil servants, and in the selection of whom the Company has no voice. I think it improbable that the Crown, should the Government still remain with the Company, will relinquish this important check; and as there are no other persons in this country who are exclusively the servants of the Crown, I do not see how, in the present state of things, it is possible to form a Legislative Council, with the powers which it is proposed to vest in it, without making the Judges a constituent part.

Under all these difficulties, I am disposed to concur in the sentiments expressed by Government, "that in the present circumstances of this country there are no elements for a Legislature, excepting the Government and His Majesty's Court;" though I by no means think such an arrangement free from many and weighty objections.

3. I must confess I do not feel so much difficulty in considering the restrictions or limitations to which this body should be subject, as I do the persons of whom it should be composed. After the Government has been permitted for so many years to legislate for the mass of the people, reserving to the King in Council the power of disallowing or amending, within a limited time, the laws they frame, and directing them to be formed into a code, and translated into the languages of the country; I cannot see any objection to vesting powers of a similar nature in the new Legislative Council which it is proposed to institute, and which is to frame laws for all classes of His Majesty's subjects. I agree with Sir Edward East in thinking "the necessary exceptions to such an enlarged power would be, that no laws should be made contrary to the duty of allegiance, nor contrary to any express law made or to be made by Parliament, for the Government of British India; and that the laws should be equal in all matters of common concern between native and British subjects, for the common good, without favour or disparagement to either." I conceive the Crown ought to retain the right of disallowing or amending, within a certain time, all laws which may be framed; a power which it now possesses as to regulations made for the Provincial Courts, under the 23d section of the 21 Geo. III. c. 70; and as to regulations registered in the Supreme Court, of *disallowing* only, under the 37th section of the 13 Geo. III. c. 63. The laws, I conceive, should take effect as soon as passed by the local Legislature, subject to being afterwards disallowed or amended. Copies of these laws should be annually laid before both Houses of Parliament; a course which the statute of the 53 Geo. III. c. 155, s. 16, has directed as to all the regulations at present made by the several Governments in India. I should, in addition to this, think it most desirable that all proposed laws should be openly published for a certain fixed time before they could be passed, in order that all persons supposing themselves aggrieved should have an opportunity of stating, at least by petition or memorial, if not by argument, their objections, before the law was carried into effect. It has been the uniform practice of the Supreme Court to hear the inhabitants of Calcutta by means of their advocates, against the registry of regulations made by the Governor General in Council.

By the construction which I am disposed to put on the 36th section of the 13th Geo. III. c. 63, I think the parties affected by any regulation have a right to be heard against its registry; and though I am aware that, upon the strict question of right, some of my learned brethren have formed a different opinion, yet all the Judges appear to be agreed "that it would be a wrong and capricious exercise of power to preclude a previous discussion of a matter which is subjected to appeal." I also think all persons aggrieved by any laws made by the local Legislature should have a right to appeal to the King in Council; a right which exists at present as to regulations affecting the inhabitants of Calcutta, but not as against regulations passed by the Governor General in Council for the provinces.

It is suggested by Mr. Holt Mackenzie that a veto should be allowed to the Governor General in the Legislative Council. The 33d Geo. III. c. 52, s. 51, provides that the Governor General shall not make, repeal or suspend, against the opinion or concurrence of his counsellors, any general rule, order or regulation, for

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

the good order and civil government of the United Company's settlements, or impose of his own authority any tax or duty within the Presidency. The same provisions would of course be extended to the proposed Legislative Council : and if the Governor General was allowed to have a veto against any laws which had been approved of by the majority of such Council, from the necessity there is of vesting in him a discretionary power to act according to his own opinion in cases of high importance and essentially affecting the public welfare, it would seem, on the other hand, expedient that the Judges should, in cases where the proposed enactment was in their unanimous judgment a direct infringement of some well-acknowledged rights of the Crown, or contrary to some express law made by the Parliament for the government of British India, (if not allowed to possess a veto), be at liberty to protest against the act of the majority ; the effect of which protest should be the suspension of the law until the King in Council, to whom the matter should instantly be referred, should have decided upon the legality of the proposed measure. Unless some such check as this is vested in the Judges, they would be in the painful situation of being called upon to enforce and carry into effect laws which they were satisfied the Legislative Council had not the power to impose.

I have stated at some length, and I am aware very imperfectly, some of the considerations to which the letter we have had the honour to receive appears to lead.

Upon many of the topics upon which I have ventured to touch, I should not have presumed to have offered any opinion of my own, satisfied that it is my duty to assist in administering the laws to the best of my ability, as they are, and not to suggest alterations, had I not conceived the questions proposed by Government necessarily called for such explanations. Whatever may be the course which Parliament in its wisdom may deem proper to adopt, I can only express my cordial desire at all times to assist, as far as I am able, in all measures that may appear calculated to improve and ameliorate the administration of justice in India.

I have, &c.

(signed) *Edward Ryan.*

— No. 23. —

MINUTE by Lord *W. C. Bentinck*, Governor General ; dated 10th Oct. 1829.

THE Judges of the Supreme Court agreeing with the Government on most of the essential points, little remains for consideration here but the particular arrangements by which what is proposed may best be carried into effect.

The detailed exposition given by Sir Charles Grey of the circumstances under which the Court has hitherto acted, able and excellent in every respect, is particularly valuable, as exhibiting in the strongest light (if we may at all argue from the past to the future) the utter hopelessness of setting or keeping things right through the operation of Acts of Parliament passed at home ; and the principle advocated by him, of maintaining the complete subordination of the local Legislature to the Parliament, will equally, I imagine, be recognized as one of undeniable necessity.

* It should be provided (Sir Charles Grey suggests) that every act of an Indian Legislative Council should, within one month, be sent to the Court of Directors and the Board of Commissioners ; and that in the next session after the receipt of it in England, it should be laid before Parliament ; and that the Court and the Board should have the power of repealing it within one year from the time of its having been made, but with a proviso, that all persons should be saved harmless for any acts done under the regulation before notice of its repeal should have been given in some specified manner ; and further, that the Indian Council should once in seven, ten, fourteen or twenty years, form into one body of law, and submit to the Parliament, the whole of the existing regulations, in order that they might be sanctioned or amended.

† These are as follows : The Legislative Council shall not make any ordinance inconsistent with any Act of the Imperial Parliament applying to India : It shall not alter any part of the unwritten law of the British constitution, on which depends the relations of British India or its people with the United Kingdom : It shall not in any way vary the law of treason, or affect any rights of the Crown, or of the Parliament, or those which may be derived by any foreign State from treaties entered into by them with the British Crown.

The exceptions proposed by Sir E. East are, that no laws should be made contrary to the duty of allegiance, nor contrary to any express law made or to be made by Parliament for the government of British India ; and that the laws should be equal in all matters of common concern between native and British subjects for the common good, without favour or disparagement to either.

* The measures which he suggests for practically enforcing this principle, appear to be well calculated to secure that and other objects of importance, viz. the early and punctual transmission to England of all laws passed in this country, and the periodical incorporation of them into a digested code.

And the conditions † by which it is proposed to limit the powers of the local Legislature, corresponding in substance with most of those suggested by Sir E. H. East, seem to be unobjectionable. The proviso, which is peculiar to the latter, that the law shall be equal to all classes in

in matters of common concern, had better, I should think, be omitted, chiefly because it is one of those generalities of which the particular effects cannot be immediately anticipated, and also because it seems to imply a suspicion of injustice, scarcely consistent with the delegation of powers such as are proposed to be given.

With respect to the constitution of the proposed Legislative Council, there is greater room for doubt. If, as appears to be admitted, every notion of representation must, for the present at least, be relinquished, it may, I think, be questioned whether the choice of legislators should go beyond the Members of the Supreme Council and the Judges of the Supreme Court. I cannot think it would be right to bring into such an assembly the chief minister of the Christian church. There seem to be many reasons to be urged against such an arrangement in India, which it is unnecessary to particularize. The information as to the Hindoo and Mahomedan codes, with a view to which it is proposed to appoint one or more civil servants learned in those laws, may probably be as well obtained, when required, by other means, unless the Supreme Court, as is proposed by Sir Charles Grey, should be composed partly of Judges appointed by the Crown, and partly of judicial servants of the Company; so likewise I should think that, with caution and publicity in the proceedings of the Legislative Council, the interests of the British merchants will be effectually secured; and except we could adopt the principle of representation, which seems out of the question, it would not, I think, add to the weight of the Council, or the confidence of the public, to associate an individual or subordinate functionary with the Members of Government and the Judges of the Supreme Court. It should be remembered that its laws are designed to have effect at all the Presidencies. If any addition were made to the existing established authorities, which I consider for the present to be inexpedient, I should infinitely prefer native gentlemen, whose rank in society and great wealth seem to entitle them to the distinction; while the Council itself would derive from their knowledge of the character, manners and feelings of the natives, that information which the most experienced Europeans so imperfectly possess.

On the whole, therefore, it would, I conceive, be right to constitute the Council as proposed in the letter of the 14th of July.

A veto, it is agreed, shall belong to the Governor General; and the limitation of the power of the Council being rendered specific (the vague words "repugnant to the laws of the realm" must be carefully avoided), it would seem to be unobjectionable and proper to allow the Judges the power of suspending any enactment which might appear to them to be incompatible with the laws they are bound to administer. It is a fundamental principle of the arrangement proposed by Government that the Acts of the Legislative Council shall extend to all places, and to all descriptions of persons.

Provision should of course be made for the due publication of all proposed laws, and parties interested in opposing them should have full opportunity of stating their objections, either by petition or by argument, authority being also reserved to the Governor General in Council of appointing committees or commissioners specially to inquire into and report upon all matters necessary to a just determination on the expediency of any law.

The promulgation of laws subsequent to their enactment must also of course be fully provided for.

As to the formation of a general code for British India, with such special provisions as local peculiarities render unavoidable, and the gradual adoption of one consistent system for the administration of justice in all parts of the country, the remarks of Sir Charles Grey appear to be generally just, though he perhaps overrates the advantages to be derived from the services of English lawyers, unless where those of superior men can be secured. But these are objects to be attained only in course of time, through the operation of laws to be adopted, after careful consideration of each, by the proposed Legislative Council.

Even the general principles, how far the rules of English laws and process shall be maintained, or a simpler system adopted, stript of its technicalities, shall be substituted; to what extent the English language shall be allowed or enjoined; whether Englishmen shall be permitted to claim any and what special distinctions as to the form of trial, or the tribunal to which they are to be subject, and especially in what cases and within what tracts trial by jury shall be introduced; would require separate and deliberate consideration: and the peculiarities of every province; the expediency of having local rules, distinct from, though of course subordinate to, all general laws; the means of recording and maintaining

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

local usages, where proper to be maintained; these and various other points must be discussed before we can attempt to lay down a general scheme for the better administration of justice throughout the wide regions that will be subject to the proposed Legislative Council.

The necessity of a Legislative Council having been thus established, it would seem right that we should request the aid of the Judges in preparing a scheme for the execution of the measure, to be submitted for the approval of the home authorities.

In the event of the proposition for a Legislative Council not receiving the sanction of Government or of Parliament, it would be desirable that we should now provide for that contingency, by requesting the Judges to suggest, for our concurrence, such alterations in the present Acts as may correct the inconsistencies, and may remedy the inconveniences, which have been so fully detailed in the various communications upon the present subject. It would seem impossible for the home authorities, as experience has hitherto abundantly proved, to furnish the details which a plan of so extensive a nature must require.

(signed) *W. C. Bentinck.*

— No. 24. —

LETTER from the Governor General in Council to the Hon. Sir *Charles E. Grey*, Knight, the Hon. Sir *John Franks*, Knight, and the Hon. Sir *Edward Ryan*, Knight, Judges of the Supreme Court of Judicature at *Fort William*.

HONOURABLE SIRS,

Fort William, 20 October 1829.

WE have the honour to acknowledge the receipt of your letter of the 2d instant, and of the several papers which accompanied it; and entertaining the strongest sense of obligation to you for the manner in which you have met the wishes expressed in our letter of the 14th of July, we venture confidently to solicit your further aid in the prosecution of those measures which, after an attentive consideration of the important facts, observations and suggestions contained in the documents now acknowledged, it appears to us expedient and necessary to adopt.

To the able exposition which you have made of the circumstances that affect the constitution, and of the principles that have regulated the proceedings, of His Majesty's Courts, we shall not venture further to advert than by remarking how strongly the detail given, of the difficulties and embarrassments incidental to the discharge of their functions, appears to confirm the persuasion, under which we recently addressed you, of the necessity of constituting a local Legislature with enlarged powers. On that fundamental point, it is highly satisfactory to us to find that there exists a complete concurrence of opinion. It remains only therefore to consider the particular arrangements by which what is proposed can best be carried into effect. First, as to the constitution of the Legislative Council: It appears to be generally agreed, that all notion of representation must, for the present at least, be relinquished; and the case being so, it seems to us, after the fullest consideration of the subject, that the Council should consist of the Members of the Supreme Government, and the Judges of the Supreme Court of this Presidency. If, as has been suggested by the Chief Justice, the judicial servants of the Company shall be hereafter admitted to that Court, we should not of course propose to exclude the officers so distinguished from a share in the Legislature. But as things are now constituted, it would not, we are of opinion, add to the weight of the Legislative Council, or to the confidence of the public in its wisdom and justice, to associate any subordinate functionary with the Members of Government and His Majesty's Judges; more especially when we advert to the other Presidencies, to which also the powers of the Council must, we are of opinion, be made to extend. Similar considerations occur to us as opposed to the appointment of any individual, so long as the principle of representation shall be inapplicable to the circumstances of the country. We readily indeed admit that an accession of much valuable information might be obtained by constituting the Legislative Council on a wider basis; but the advantage of having within itself such an extent and variety of information, as may obviate the necessity of frequent inquiry, appears to be unattainable. On questions touching the laws and usages of our native subjects, the Council must, we think, depend chiefly on the result of inquiries more extensive and minute than any one

or

or two individuals could be expected to satisfy. It will always of course be able to command the services of any public functionary, from whom it may require an exposition of any matters with which he may be especially conversant: and with the caution and publicity of proceeding, on which you have justly laid stress, we trust that, excepting from causes inseparably connected with our position in the country, there will be little danger of its remaining in ignorance of any particulars, the knowledge of which may be necessary to secure an equal attention to the interests and just claims of every class of our subjects. Several reasons occur to us against the measure of bringing into such an assembly the chief minister of the Christian church, on which we shall not now enlarge. But though it is in our judgment expedient that, for the present at least, the Legislative Council should be constituted as proposed in our letter of the 14th of July, we would not be understood as objecting to the enactment of a provision which shall leave to His Majesty a greater latitude of selection, if Parliament shall in its wisdom see fit to provide for a change of circumstances.

We have great satisfaction in stating our general concurrence in the principles, according to which it is proposed in Sir Charles Grey's Minute to limit the powers of the Legislative Council, to maintain its complete subordination to Parliament, to secure a due publicity in its proceedings, to ensure a hearing to all parties interested in opposing any proposed enactment, to enforce the fullest possible promulgation of all laws passed by it, and to provide for their periodical consolidation.

We likewise fully concur with you in thinking that, besides reserving a veto to the Governor General (the restriction contained in the 33 Geo. III. c. 52, s. 51, should also of course be maintained), it will be entirely proper that the Judges of the Supreme Court, or a majority of them, should have the power of suspending the enforcement of any Act of the Legislative Council which they may consider to be illegal.

Having thus explained to you the views which we entertain in regard to the constitution of the proposed Legislative Council, little differing, we are happy to observe, from those which you suggest, we trust we may be permitted to request that you will have the goodness to prepare the draft of a bill for the execution of the measure, to be submitted for the approval of the home authorities.

Strongly as we are impressed with the indispensable necessity of constituting a local Legislature, as proposed, we consider it proper to provide for the contingency of the proposition not receiving the sanction of Government or of Parliament; and we shall consequently be greatly obliged by your suggesting, for our concurrence, such alterations in and additions to the present Acts applicable to India, as it may appear to you expedient to make, with the view of correcting the inconsistencies and remedying the inconveniences which have been so fully detailed in the papers now under consideration, as far as that object can be attained through the direct intervention of Parliament.

It will likewise be highly satisfactory to us to receive from you a full communication of your views and sentiments, in regard to the measures by which the administration of justice to all classes of persons throughout the British territories may be gradually provided for, on a regular and consistent system, with such special provisions only as local peculiarities may render unavoidable.

But it is not, of course, our intention that the preparation and transmission of the draft above mentioned should be delayed until the details which each of the latter propositions must involve can be furnished.

We beg to add, that we shall instruct the Secretaries to Government to afford immediate attention to any request for information which the Judges may be desirous of obtaining from the records of Government.

We have, &c.

(signed) *W. C. Bentinck.*
C. T. Metcalfe.

(True copies.)

(signed) *Holt Mackenzie,*
Secretary to Government,

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

— No. 25. —

(No. 4 of 1830.)

(Territorial Department.)

LETTER from the Governor General in Council to the Court of Directors,
&c. &c. &c.

HONOURABLE SIRs,

Fort William, 14th October 1830.

YOUR Honourable Court is aware, from the documents which accompanied our Secretary's letter under date the 20th of October last, that we have for some time been in communication with the Judges of the Supreme Court, on the subject of the measures to be taken for the amendment of the laws applicable to the different classes of persons resident within the British territories, and for the establishment of such a judiciary system as might ensure their prompt and just administration,

Letter from the Judges of the Supreme Court, dated the 13th September 1830, with 4 Enclosures.

Ditto to Ditto, dated 28th September 1830, with its Enclosure.

Ditto to Ditto, dated 9th October 1830.

Ditto from Ditto, dated 7th October 1830.

Ditto to Ditto, dated 11th Oct. 1830, with its Enclosure.

Ditto from Ditto, dated 13th October 1830, with its Enclosure.

with reference especially to the circumstances incident to the more extended settlement of British-born subjects, with permission to hold land. We have now the honour of transmitting to you, as numbers in the packet, copies of the papers noted in the margin, in continuation of those which were forwarded to you on the above date.

2. We beg permission to call your early and particular attention to the draft of a bill (as finally amended), and the papers immediately relating to it (Nos. 2, 3 and 4), and to submit our recommendation that the necessary measures may be taken to obtain the enactment, by the British Legislature, of a law corresponding with that draft, with any modifications or additions that may appear to be necessary or expedient. The grounds on which we consider such a law to be urgently and indispensably required, and the considerations which have influenced us in the adoption of its several clauses, are so fully explained in our correspondence with the Supreme Court, that it must be superfluous to enlarge upon the subject in this place. It may be sufficient to state that, in our judgment, the members of the Legislative Council should not, in the first instance at least, be numerous. It may eventually be proper to enlarge it; and the number to be inserted in the bill, which in the draft is left blank, your Honourable Court will best be able to determine. Besides the Members of the Supreme Council, and the Judges of the Supreme Court, we are not prepared to hazard an opinion as to what individuals should be admitted into the Legislative Council, or from what classes and on what principles, the selections should be made. These indeed are points which, we think, should be left exclusively to the decision of the home authorities.

3. We shall only add, that we hardly consider necessary the precautionary measure adverted to in the concluding paragraph of the Judges' letter, dated the 13th instant.

4. A copy of any reply which we may receive to the letter we addressed to the Judges on the 11th instant, on the subject of the Enclosures 2, 3 and 4, of their letter dated the 13th ultimo, will be forwarded to your Honourable Court with all practicable dispatch.

We have the honour to be, &c. &c.

(signed) *W. Bentinck.*
W. B. Bayley.
C. T. Metcalfe.

(Fort William.—Revenue Department.)

ABSTRACT of Revenue Letter, No. 4, of 1830, addressed to the Honourable Court of Directors, dated the 14th October 1830.

V:
Legislative
Councils;
Courts of Justice;
Code of Laws.

Forwarding with reference to Papers transmitted on the 20th October 1829, copy of Correspondence with the Judges of the Supreme Court of Judicature of Fort William, in Bengal, relative to the institution of Legislative Councils, the establishment of a judiciary system, and the formation of a code of laws for the British territories in the East Indies.

(signed) *Holt Mackenzie,*
Secy to the Govt.

—No. 26.—

LETTER from the Judges of the Supreme Court to the Governor General in Council; submitting Papers relative to the institution of Legislative Councils, the formation of a Code, and the establishment of a System of Courts.

Calcutta, 13th September 1830.

RIGHT HONOURABLE LORDS AND HONOURABLE SIRS,

WE have given from the first all the attention in our power to the subjects mentioned in the letter which you addressed to us on the 20th of October last, and having had the benefit of conferring personally with you upon some occasions, we now submit to your consideration the accompanying papers, viz. No. 1. intituled “ Heads of a Bill, to be intituled an Act for establishing Legislative Councils in the East Indies.” This you are aware is not a paper of our own, but one which, with the assent of us all, though not with an absolute unanimity as to minor points, was arranged at the conferences to which you did us the honour of admitting us. No. 2, intituled, “ Some observations on the suggestion of the Governor General in Council, as to the formation of a code of laws for the British territories in the East Indies.” No. 3, “ Outline of a system of Courts for the British territories in the East Indies.”

You have signified your wish that specific provisions for the last object should be annexed to those which relate to the establishment of Legislative Councils, and which have been reduced into the form of a bill; but perhaps the papers Nos. 2 and 3 will indicate sufficiently both the outline of the arrangements which would occur to us, if any extensive alteration in the system of Courts should be made, and the difficulties which prevent us at present from reducing our notions upon the subject into the form of a bill. Without knowing better than we do the views of His Majesty’s Ministers, and of the Court of Director, we can form but very uncertain conjectures of what is practicable, or at least of what would be adapted to the ground-work on which it may be intended to re-establish the Government of India.

As long as the East India Company may continue not only to have that right of perpetuity which is annexed to its character of a trading corporation, but actually to carry on trade, it will probably be thought that there must be some Courts in India not only of appellate, but of original jurisdiction, of which the Judges shall be appointed immediately by the Crown, if for no other reason, yet for this at least, that the Company may sue and be sued in their commercial capacity, before some tribunals not constituted by themselves, nor consisting merely of their own civil servants, whom the most perfect integrity never can exempt from the impression, that they are too dependent on the Company to act as Judges in questions between them and other British persons; but if the Company should ever cease to trade, or even if that separation of their proceedings in their commercial from those in their political capacity, which, to a certain extent, was provided for by the 53 Geo. III. c. 155, should now be carried further and completed; one objection, at least, against all the Courts of original jurisdiction being put upon the footing of Company’s Courts, might be removed.

A general admission of British persons into the provinces, or any parts of them, with the right of holding lands in fee, would present a state of circumstances requiring in the arrangements of Courts of Justice some different provisions from

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

those which would be suitable to a system, founded upon a prohibition of the intercourse of British persons with the interior of the country. These and several other undecided and doubtful points, of the gravest importance as matters of state policy, and to which, as to the foundation on which it would rest any bill for the general administration of justice must be accommodated, prevent us from offering anything more than mere suggestions as to the formation of any code of law and system of Courts. We are prepared, however, to say, that there is no arrangement which we are able to anticipate, in which it does not seem to us that it would be desirable there should be a Legislative Council for India, or one for each Presidency, subordinate to the Imperial Parliament; and in like manner one Court for India, or one for each Presidency, of intermediate appeal between the superior Courts of this country and His Majesty in Council, or the House of Lords; and that of these Legislative Councils and Courts of Appeal, a majority of the Members and Judges should be appointed immediately by the Crown, we should say indeed that the whole ought to be so appointed, but that a portion of them should be selected by the Ministers of the Crown from amongst the Company's servants; and it might perhaps be thought more regular to establish any such Courts of Appeal by Letters Patent of the Crown, issued under the authority of an Act of Parliament, rather than by Act of Parliament alone. Whether such Legislative Councils and Supreme Courts of Appeal could at present, and all at once, be brought into active and effectual operation for all India, is perhaps more than doubtful, and our own inclination of opinion would be to attempt to give them effect within some one limited district, with a liberty at the same time to the Governor General in Council to make use of them for the rest of the territories in cases in which they could be employed for that purpose with advantage. Our views of this matter are stated in the draft of a letter which we are about to send in reply to one received by us from the Secretary of the Board of Commissioners for the Affairs of India. Of this draft, we take the liberty of enclosing a copy, marked No. 4, and if any objection should be felt by the Governor General in Council against any statements in it, we would willingly reconsider them, and make any corrections which may be desirable with the least possible delay.

It has been with unfeigned reluctance indeed, and some apprehension of giving offence, that we have spoken as plainly as we have done upon several points both in that letter and in the other papers which are now submitted to you; but upon a subject respecting which, from its extent and intricacy, all opinions are so liable to be misunderstood, those which are stated otherwise than plainly and fully may serve for much mischief, but can scarcely do any good. We beg leave to assure you, in all sincerity, of our desire to render any assistance of which we may be thought capable, upon this occasion of the re-establishment by Parliament of the Government of the British territories in India. In so vast an affair it is impossible that any persons can act together unless there be a willingness on all sides to make some sacrifices of opinion; and of the greater part of what we have taken the liberty to suggest, we hope it will be understood that it is intended as nothing more than suggestion, and that it is susceptible of various modifications. The only principles which we are desirous should be considered as fixed, are such as we are confident all of us are fully agreed upon, namely, that all the Indian territories which constitute the three Presidencies are dominions of the Crown of the United Kingdom, though with all such conditions annexed as have been stipulated in any treaties or agreements made at the time of the acquisition of the territories; that Parliament has an unquestionable right of legislating for the whole of the Indian dominions of the Crown, notwithstanding that certain powers of legislation have been and may hereafter be committed to others by Act of Parliament, or permitted to subsist in the hands of others as a remnant of the former institutions of the country; and that although justice must in general be administered in India by Indian Courts, yet wherever circumstances will admit of a sufficiently regular frame of Government being established, the appeal or the last resort ought to be some Court or Courts of the United Kingdom, or some Courts in India, of which the Judges should be appointed immediately by the Crown.

We have the honour to be, &c.

(signed) *Chas Edw^d Grey.*
Edward Ryan.

(True Copy.)

(signed) *Holt Muckenzie,*
Sec^y to the Government.

(Enclosure, No. 1.)

HEADS of a BILL to be intituled "An Act for establishing Legislative Councils in the *East Indies*."

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

1. WHEREAS the Civil and Military Government of the Presidencies of Fort William, Fort St. George and Bombay, in the East Indies, subject to such superintendence, direction, control and restrictions as for that purpose have been provided and established, is entrusted to the Governor General in Council and the Governors in Council of the said Presidencies, and also the ordering, management and government of all the territorial acquisitions and revenues therein: And whereas the said Governor General in Council and Governors in Council have been authorized and empowered by several Acts of Parliament to make rules, ordinances, regulations and laws, as well for the imposition of duties and taxes as for divers other purposes; and it hath been enacted, that all regulations affecting the rights, persons or property of the natives, or of any other individuals who may be amenable to the Provincial Courts of Justice, shall be registered in the Judicial Department and formed into a regular code; and it hath also been provided, that the rules, ordinances and regulations made for the settlements at Fort William, Fort St. George and Bombay, and the factories and places subordinate thereto, shall be registered in the Supreme Courts of Judicature at the said settlement, with the consent and approbation of the said Courts; and further provisions have been made for the better enabling of His Majesty in Council in some cases to disallow or repeal, and in others to amend, such rules, ordinances or laws: And whereas it is necessary that a power should at all times be vested in some persons resident within the British territories in the East Indies, of making regulations and laws for all the territories and people there under British Government: And whereas the several Acts of Parliament which have heretofore been passed for that purpose have been found to be in some respects imperfect and inconvenient, and it is expedient that more full, certain and effectual provisions should be established instead of them; be it therefore enacted, that so much of an Act, intituled, &c.

- 13 Geo. III. c. 63, s. 36, 37.
- 21 Geo. III. c. 70, s. 23.
- 37 Geo. III. c. 142, s. 8.
- 39 & 40 Geo. III. c. 79, ss. 11, 18, 19, 20.
- 47 Geo. III. sess. 2, c. 68, ss. 1, 2, 3.
- 53 Geo. III. c. 155, ss. 98, 99, 100.

and so much of every other Act heretofore passed as in any way relates to the making of any laws or regulations by the Governor General in Council, or the Governors in Council of any of the said Presidencies, be, and the same are hereby repealed: Provided always, and be it further enacted, that nothing herein contained shall be construed so as to repeal any regulations heretofore made by any Governor General in Council or Governor in Council; but all such regulations, until they be expressly repealed or altered by some competent authority, shall have the same force and effect as they would have had if this Act had not been passed.

2. And be it further enacted, That there shall be one Legislative Council within each of the said Presidencies of Fort William, Fort St. George and Bombay.

3. Each of the said Legislative Councils shall consist respectively of the Governor General, or Governor of the Presidency for the time being, and of all other the Members of the Council of the Presidency, and of the Judges of the Supreme Court of Judicature of the Presidency, and of such other persons, not exceeding — in numbers, from time to time shall be appointed by His Majesty, his Heirs or Successors, or by the Directors of the East India Company, by and with the approbation of His Majesty, his Heirs or Successors.

4. Each of the said Legislative Councils, or so many of the members thereof as shall be able to attend, shall meet and assemble from time to time at some convenient place, to be appointed by the Governor General, Governor or Vice President, within the towns of Calcutta, Madras and Bombay respectively, or in the neighbourhood, and within some convenient distance of the same, at such times and in such manner as such Governor General, Governor or Vice President, shall also direct; and it shall not be lawful for any of the said Legislative Councils to assemble in the capacity of a Legislative Council otherwise than is herein provided.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

5. Each of the said Legislative Councils shall be capable of deliberating, resolving and acting in its capacity of a Legislative Council whenever three members thereof shall be lawfully assembled, provided that one of the three be either the Governor General, Governor, Vice President, or some other Member of the Council of the Presidency, and another be one of the Judges of the Supreme Court, but not otherwise, unless there should be no Judge then resident, or unless upon any urgent occasion there should be any refusal or wilful neglect of the Judges then resident at the place at which, or in the neighbourhood of which, any of the said Councils shall be held; in either of which cases, and after a Minute to that effect shall have been entered upon the proceedings of any such Legislative Council, and signed by the Governor General, Governor or Vice President for the time being, it shall be lawful for any three members of any such Council who may be assembled upon any such occasion to deliberate, resolve and act in all respects as a Legislative Council, in the same way as if one of the Judges had been present: And be it further enacted, that all the proceedings at any meeting of any such Legislative Council shall be conducted as nearly as possible in the same manner and form as the proceedings before the Governor General in Council are by statute directed to be conducted, except that no Governor General or Governor shall have any power of making any law or regulation, nor of deciding any question whatsoever which may arise in any such Legislative Council of his own sole authority: Provided always, and be it further enacted, that no law or regulation of any of the said three Legislative Councils shall be deemed or taken to have been finally resolved upon and established, nor shall have any force or effect whatsoever until the consent in writing of the Governor General of Fort William in Bengal, shall have been first obtained and annexed thereto; and that no law or regulation of either of the Legislative Councils at Madras and Bombay shall have any force or effect until it shall have been confirmed by the Legislative Council of the Presidency of Fort William in Bengal, for which purpose, as soon as it shall have been fully resolved upon, it shall be sent to the Legislative Council of the Presidency of Fort William in Bengal; and it is hereby further enacted, that the Legislative Council of the said Presidency of Fort William shall have full power and authority to make regulations and laws, as well for the other Presidencies of Fort St. George and Bombay and for all the territories and territorial acquisitions in the East Indies in the possession and under the government of the East India Company, in the same manner as for the Presidency of Fort William itself, whensoever to the said Legislative Council of the Presidency of Fort William it shall appear that there is occasion so to do; and shall also have the power of repealing or altering any regulations or laws heretofore made by any Governor in Council, or hereafter to be made by any Legislative Council of either of the said Presidencies of Fort St. George or Bombay.

6. Every law or regulation, after it shall have been resolved upon by any of the said Legislative Councils, and before it shall be submitted to the Governor General of Fort William for the purpose of having his consent in writing annexed thereto, and before it shall be sent by the Legislative Council of Fort St. George or Bombay to the Legislative Council of Fort William, shall be sent round to every resident Member of the Legislative Council by which such law or regulation shall have been made; and each resident Member, whether he shall or shall not have attended the meetings of the Council at which such law or regulation shall have been deliberated or resolved upon, shall signify in writing his assent or disapprobation thereof; and if any two of the Judges of either of the Supreme Courts, or in case there be only two or one of the Judges resident at the time, then if the only Judge or the Chief Justice, or in his absence the Senior Judge of the Supreme Court of the Presidency at which the law or regulation shall have been passed, shall state his or their disapprobation thereof by reason of his or their opinion and belief that such law or regulation is not within the powers vested by this or any subsequent Act in the Legislative Council by which the law or regulation shall have been made, and shall also state his or their grounds or reasons for such opinion and belief, then the law or regulation respecting which such opinion and belief shall be so stated as aforesaid shall be suspended, and shall have no force nor effect until such time as it shall have been referred to the President of the Board of Commissioners for the Affairs of India for the time being, and to the Directors of the East India Company, and until the orders of such President respecting the same shall have been received in India; and the said President for the time being is hereby authorized in

in all such cases to submit any such law or regulation to His Majesty in Council, and after having so submitted the same, to issue his orders to the Governor General of Fort William for the revocation or suppression, or the publication and enforcement of the law or regulation; and if any such law or regulation shall be so directed to be published and enforced, it shall after such publication have the same force, authority and effect, and no other, as if no such suspension as hath hereinbefore been mentioned had taken place.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws,

7. The powers of each of the said Legislative Councils, to be exercised in manner and form as aforesaid, shall extend to the making of laws and regulations for the repealing, amending or altering of any regulations heretofore made by any Governor General in Council, or Governors in Council, or hereafter to be made by any of the said Legislative Councils, and to the making of laws and regulations for all other purposes whatsoever, and for all manner of persons, whether British or native, or foreigners or others, and for all places and things whatsoever, within and throughout the whole and every part of the British territories in the East Indies, in the possession and under the government of the East India Company, except as hereinafter is excepted, and subject to the conditions and restrictions hereinafter expressed, and at all times and in every respect subject to the full, absolute and supreme legislative power and control of the Imperial Parliament of the United Kingdom of Great Britain and Ireland: Provided always, that no law or regulation, made by either of the said Legislative Councils for the Presidencies of Madras or Bombay, shall at any time have any force, authority or effect, except within the limits of the territories constituting the Presidency, by the Council of which it shall have been made.

8. No law made by any of the said Councils shall in any way repeal, vary, suspend or affect any Act of the Imperial Parliament, nor any Letters Patent of the Crown, nor in any way affect any prerogative or right of the Crown or Parliament, nor the constitution or rights of the East India Company, nor any part of the unwritten law or constitution of the realm of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any persons to the Crown, or the sovereignty or dominion of any part of the British territories in the East Indies.

9. As soon as any law or regulation shall have been resolved upon, and passed at any lawful meeting of any of the said Legislative Councils, it shall forthwith be published in the Government Gazette, or some other newspaper of the place, before it shall be sent round to the resident Members of the Legislative Council and to the Governor General of Fort William, for the expression of their approbation or dissent, in writing, and an interval of 14 days at the least shall take place, from the time of the first publication, before the Governor General shall give such consent; and if any person or persons interested in or affected by any such law or regulation, shall petition any such Council to take into consideration his or their objections against it, at any time before the consent in writing of the Governor General of Fort William for the establishment of such law or regulation shall have been given to the Governor General, or Governor or Vice President of the Presidency, at which the law or regulation shall have been made, shall direct at what time and place any such person or persons shall state his or their objections, and whether by written petition only, by counsel, or in person; and it shall be lawful for any person or persons who may be aggrieved by any such law or regulation, to appeal against the same to His Majesty the King in Council, who shall have full power and authority at any time to repeal the same, but such appeal or notice thereof shall be made or given within six calendar months of the publication in India of the law or regulation which shall be the subject of appeal.

10. As soon as one week shall have elapsed after any law or regulation shall have been established by any resolution of any of the said Legislative Councils, and by such written consent of the Governor General, as hereinbefore has been made necessary, the same, if no sufficient cause shall have been given for the suspension thereof in manner aforesaid, shall be carefully registered, and preserved as a record by such Legislative Council, and shall be printed and published in the English language; and for the better securing of a general and accurate publication thereof, one printing-office or press, for each Presidency, and no more, shall from time to time be licensed by the Governor General in Council, or Governor or Vice President in Council, of the Presidency, to print and publish the laws of each Legislative

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Council, and the granting or changing of such licenses shall from time to time be notified by proclamation or public advertisement, and each of the said Legislative Councils shall, from time to time, make such standing orders as may be most convenient and effective for the due publication of such laws, in as many of the languages of India, and in such manner as may most effectually secure a speedy, full and complete promulgation thereof throughout the British territories in the East Indies, so that the knowledge thereof may be communicated to all who may be liable to be in any way affected thereby.

11. If any person or persons shall wilfully publish any false statement of any law of any of the said Legislative Councils, he or they shall be deemed guilty of a misdemeanor, and shall be punished accordingly; and if any person shall suffer damage or loss in consequence of being misled by any such false statement, it shall be a good cause for his recovering damages in a civil action, to be instituted against the party or parties by whose false statement he shall have been so misled.

12. Within one month after the passing and registering of any law or regulation by any of the said Legislative Councils, the Governor General in Council, or Governors or Vice President in Council, shall send duplicate copies of the same to the Court of Directors of the East India Company, and to the President or Secretary of the Board of Commissioners for the Affairs of India; and at any time within one year from the first receipt of any such law or regulation, it shall be lawful for the President of the said Board of Commissioners, after having submitted the same to His Majesty in Council, to transmit to the Legislative Council of the Presidency of Fort William an order for the repeal of the same, and the same shall be forthwith repealed: Provided always, that all acts done under and according to any such law previous to such repeal thereof, and during its continuance, shall be good and valid; and all persons shall be saved harmless for any thing by them done, or omitted to be done, in obedience to or compliance with any such law, before the time at which they shall have had, or with due care and watchfulness might have had, notice of the repeal thereof.

13. Nothing herein contained shall extend or be construed to extend to the affecting in any way of the right or power of the Imperial Parliament to make laws for the British territories in the East Indies, and for all the inhabitants thereof; and it is expressly declared, that a full, complete and constantly existing right and power is intended to be reserved, and is hereby reserved to the Imperial Parliament of the United Kingdom of Great Britain and Ireland, to control, supersede or prevent, by Act of Parliament, all proceedings and acts whatsoever of the said Legislative Councils, and to repeal and annul at any time any act, law or regulation whatsoever, by the said Councils at any time made or done, and in all respects to legislate for the British territories in the East Indies and the inhabitants thereof, in as full and ample a manner as if this Act had not been passed; and the better to enable the Imperial Parliament to exercise at all times such authority, power and right, the President of the Board of Commissioners for the Affairs of India shall, once in every Session of Parliament, lay before both Houses of Parliament the Laws and Regulations of the said Legislative Councils, which, since the foregoing Session, may have been transmitted to him or to the Secretary of the said Board as hereinbefore is provided; and once in every period of years the said Legislative Councils shall transmit to the President of the Board of Commissioners, and the said President shall lay before both Houses of Parliament, the whole of the subsisting laws heretofore made by the said Councils, and then remaining unrepealed and in force; and the said Councils, before such transmission of the same, shall cause the same to be methodically and systematically arranged, and shall annex thereto such tables, indexes, glossaries, and other explanatory documents and materials as may be conducive to the true understanding of the same.

14. All laws and regulations which shall be made and published by the said Legislative Councils in the manner and form hereinafter provided, as long as they shall remain unrepealed and unaltered, shall be of the same force and effect within and throughout the British territories in the East Indies, and every part thereof, as any Act of the Imperial Parliament is, would or ought to be within the same territories, and shall be taken notice of by all Courts of Justice whatsoever within the same territories, and in every part thereof, in the same manner as any public Act of

of Parliament would and ought to be taken notice of, without being specially pleaded or put in evidence.

(signed) *Chas. Edw. Grey.*
Edward Ryan.

(A true copy.)

V. .
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

(signed) *Holt Mackenzie,*
Sec^y to the Gov^t.

(Enclosure, No. 2.)

Some OBSERVATIONS on a Suggestion by the Governor General in Council,
as to the formation of a Code of Laws for the *British Territories in the East Indies.*

IT may be said, with sufficient precision for the present purpose, that the whole body of Municipal Law, in any country, may be comprehended within the divisions into which Sir William Blackstone has separated the English Law : First, the rights of persons, or the distribution of political power, privileges, rights and duties. Secondly, the rights of things, or the law of property in things immoveable and in things moveable, together with the law of contracts. Thirdly, private wrongs, or the definition of injuries done by persons to each other, for which the law provides remedies and the means of compensation, together with the courses prescribed for the attainment of such remedies. Fourthly, public wrongs, or the definition of those injuries which are not susceptible of compensation, and are supposed to have a direct effect upon the interests of the whole body of the people, together with the courses established for attaching such consequences to injuries of this sort as may deter others from being guilty of them. As to the first of these divisions of law, namely, the rights of persons, it has always hitherto been, and is likely to remain in India, in so deplorable and discreditable a state of confusion, that it is scarcely possible to speak of it with the plainness which is requisite for showing the real state of the case, and yet with the respect which is due to it as the existing law. The most opposite notions are allowed to prevail upon points, respecting which, it is of the utmost importance that no doubt which can be removed should continue to subsist. There is no uniform, no definite opinion, either as to the true character and incidents of the Sovereignty of the Crown, nor of the dependence of the laws on Parliament, nor as to the rights either of political power or of property of the East India Company, nor even of the relation in which the many millions of natives stand to the political authorities by which they are entirely governed. Different races of natives have different grounds of political right ; as to one class of them, it is even disputed under which of two different systems of law it is that they live. Amongst the Hindoos and Mahomedans there are persons not even claiming any sovereignty, to whom the Governments have nevertheless stipulated an exemption from law, or at least from all Courts of Justice. Amongst the British authorities we have Courts, which the Legislature has made Supreme, yet to which no other Courts are allowed to be subordinate ; Commissions of the Peace, which are sealed by the Supreme Courts, but are directed almost exclusively to persons who are judicial or magisterial officers of the Company, and who have been recently declared by the Privy Council to be exempt in that character from the control by mandatory writs of the Courts out of which their commissions as Justices issue ; so that from the difficulty of distinguishing what is done by them in one character from what is done in the other, the consequence must be, that in both they will no longer be responsible to any but the Governor General in Council. There are Acts of Parliament commanding the Supreme Courts to take evidence for the House of Lords, and for special tribunals in England, constituted *inter alia*, for the prosecution of offences by the officers of the Indian Governments ; and there are Letters Patent on the other hand, forbidding the Supreme Courts to call for the evidence of natives, except according to the practice of the Company's Courts, or in other words, except as the Indian Governments and their officers will permit. The rights and powers of all the Court's officers, and other persons, which depend on Regulations of the Governments, are subject at all times to change ; and there is no adequate provision for keeping them in harmony with Acts of Parliament and Letters Patent of the Crown which apply to

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

India. In this state of circumstances, no one can pronounce an opinion, or form a judgment, however sound, upon any disputed right of persons, respecting which doubt and confusion may not be raised by those who may choose to call it in question; for very few of the public, or persons in office at home, not even the law officers, can be expected to have so comprehensive and clear a view of the present Indian system, as to know readily and familiarly the bearings of each part of it on the rest. The title that is sound in it is obscured by ill-defined pretensions on all sides, and by shreds and patches of law of every texture and hue; some, the remnants of what has long been worn out, and others, the samples of what, at different times, it has been the design of one party or another to manufacture. There are English Acts of Parliament specially provided for India, and others of which it is doubtful whether they apply to India wholly, or in part, or not all. There is the English common law and constitution, of which the application, in many respects, is still more obscure and perplexed. Mahomedan law, and usage; Hindoo law, usage and Scripture; Charters and Letters Patent of the Crown; Regulations of the Governments; some made declaredly under Acts of Parliament particularly authorizing them, and others, which are founded, as some say, on the general powers of Government entrusted to the Company by Parliament, and, as others assert, on their rights as successors of the old Native Governments; some Regulations require registry in a Supreme Court, others do not; some have effect generally throughout India, others are peculiar to one Presidency or one town. There are commissions of the Governments, and circular orders from the Nizamut Adawlut, and from the Dewanny Adawlut; treaties of the Crown; treaties of the India Governments; besides inferences drawn at pleasure from the application of the *droit public* and law of nations of Europe, to a state of circumstances which will justify almost any construction of it, or qualification of its force. Such a state of things, though it may not be justly liable to blame, (inasmuch as it may have been unavoidable) and though a great part of it may be better than anything which could be readily substituted, can scarcely subsist as a whole without disturbing the course of good government even within the United Kingdom; and it would, no doubt, be very desirable that so confused a tissue should be disentangled, and that as much as possible of it should be arranged and permanently fixed by Acts of Parliament, or Letters Patent authorized by Act of Parliament, or Regulations made under Acts of Parliament, and in conformity with the powers granted by them, and that whatever it may be necessary to leave in a more loose state, should be declared to be so left only because it is necessary, and that time must elapse before all can be reduced to order. Until something be done in this way, it will scarcely be possible to make any satisfactory provisions for the establishment of Courts, and the administration of justice. But, on the other hand, it must be remembered that in proportion to the extent and variety of the subject-matter, and the obscurity in which it has been involved, must the difficulty be of applying a remedy to it. There cannot, however, be any such insuperable difficulty, that the relations in which the Crown, the Parliament, the Company, and the inhabitants of India stand to each other, might not be declared, and a foundation be thus laid upon which a regular and well defined structure of law and government, adequate to the good management of a limited district, might be established at present, and afterwards extended. As to the second branch of law, or the law of property, it would not be difficult to put the rights of property in things moveable, together with the law of contracts, upon one footing for all descriptions of persons in India. No great mischief apparently would arise from providing that, in such matters, the law of England should also be the law of India, and the benefit which would be obtained, would be that there would be the same law for all places. As to immoveable property, or property in land, it is a subject of much greater difficulty and embarrassment. The customary interests of the immediate cultivators of the soil are, throughout all India, obscure, various and uncertain. It is those interests which present the real obstacle to the admission of British persons to hold landed estates. There could not be any insuperable difficulty in providing against any danger arising to the Government from British residents in the interior, nor in protecting the native inhabitants against their open violence. A power of summary transmission would be more than sufficient. But the real difficulty would be to reconcile the existence of Zemindary and Talookdary rights in the hands of British persons, with the preservation of the customary rights of the Ryots or other persons holding under them.

Custom

Custom and usage ought to be the criterion of such rights, and if there was a sufficient number of good Courts of Law, well adapted in all their circumstances to the decision of such disputes, though it cannot be said there would be an end of the difficulty, yet the same means would be provided by which similar difficulties have been overcome in other states. But when the arrears of the Country Courts exceed a 100,000 causes, and when the Government, in despair of being able to provide a sufficient number of British Judges, are committing the administration of justice, for the most part, to native persons, it would seem to be illusory to hold out a general permission to British persons to buy lands throughout India. If they were to purchase the rights of Zemindars or Talookdars, and had no appeal but to a Mahomedan or Hindu Judge against the claims of the revenue officers from above, or the Ryots from below, they would very soon be glad to abandon their bargains. The only course which in such circumstances seems to show any reasonable prospect of forming any good laws respecting land, is that of separating some one province or district from the rest, in which the revenue has been already permanently settled, and in applying within that district all the means of Government to the purpose of adjusting and fixing the complicated interests of all the classes of landholders, and of reducing them by degrees to simpler and more convenient forms. This has been one necessary step in the progress of civilization in our own country, and in almost every other which has ever come to be far advanced in civilization; nor is there anything in the customary rights of Indian Biswadars or Meerasseedars, which it would be more difficult to deal with, if instead of attempting all India at once, a portion of the country of manageable extent were selected, than there has been heretofore in reducing the fantastic and vexatious varieties which had grown up in France and England under the feudal system, to the better forms of landed property which now prevail. If a general permission to purchase lands were to be extended only to some small province, such as the Delta of the Ganges, with a privilege for retired servants of the Company, of a certain standing and residence in India, to hold lands within a somewhat larger circle, the plan might be manageable. Sufficient Courts might be established or commissions issued for settling the landed tenures; a concentration of capital, skill and social civilization might be preserved, which would be almost as necessary to the welfare of a new and distinct set of proprietors of land established in an old country, as the concentration of labour is found to be in a new country; and if a law were made, that after a specified period, no other estates in land should be created by purchase within these districts than fee simple, or lease for years or for life, and provisions should be gradually made also, for the purpose of ultimately accomplishing, not merely that which was done in Ireland, by the abolition of the British tenures, but that still more wholesome measure, which was accomplished in England at one stroke, by the English statute of Charles II. namely, the resolving of all existing varieties of tenures into two or three of well defined characters and incidents. The old tenures, which have been the spontaneous growth of different times and different circumstances, would fade away, or a perception of the benefits of the simpler system, would perhaps cause all estates very soon to be cast anew, by the choice of their owners, in these new moulds. At first, if such a safeguard should be thought necessary, the lands of Europeans need not be either inheritable or capable of being devised; but a condition might be annexed to such estates, that the executors, within a year after the death of the owner, should sell, and the produce of the sale should be a part of the assets. The children and widow, or the next of kin, or legatees of the owner, would in this way get the whole benefit of any improvements made by him, and yet the inconvenience that might arise from the land devolving upon infants or persons living out of India, or merely come thither, would be avoided. At some future period, when it might be thought right to make the lands of Europeans liable to succession, or capable of being inherited, they might be made, in the absence of a will, partable amongst all the children, but the owner might have the power of devising them by a registered will to any one of his children. This plan would neither exclude nor rigidly enforce the succession of one only, which by many persons is thought so beneficial, and it would not be very different in effect from the present law of England, where the ordinary course is the succession of one, but the owner in fee simple has the power of devising the estate to all, or of charging it, or ordering to be sold for their benefit. The upshot, indeed, of all that has been said and written for and against the rule of primogeniture in the inheritance of lands, seems to be very little more than that, in cases in which a father dies in possession of means which enable him to make his eldest son a pro-

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

prietor of a landed estate, at the same time that he can leave a suitable maintenance to his widow and a sufficiency to his younger children, it is better to make this arrangement than to divide equally the whole of his property, because it is desirable to keep up classes of landed proprietors of different degrees of wealth, as better persons to fill the gulf which lies between the Sovereign and the peasant, than mere functionaries of the Government; but that where a landed estate cannot be kept in the hands of one, except by leaving his other children in uncomfortable circumstances, it is better that the owner should divide the whole. The law, as it now exists in England, abstractedly considered, is better perhaps than that which is here suggested for India, because it tends less to joint-tenancy and tenancy in common, either of which impedes cultivation and improvement, and as we know from experience here, gives rise to ruinous disputes. But with reference to the habits and settled notions of the natives, it would not be desirable to provide at present, that the eldest son only, in the case of intestacy, should succeed to the father. The third head of law, or definition of private injuries, and the courses for obtaining redress for them, would not be very difficult of arrangement. The definition of private injuries might be taken in great measure from the English law, but simpler forms of action ought to be provided, and the principles only of pleading should be established, with a positive declaration that the minute technical rules of the English law were not to be binding, though, at the discretion of Judges, they might still be acted upon, like any other rules of right reason, where they might be found to be justly applicable. The settling of the fourth division of law would be easily practicable. Any one intelligent English lawyer, and one of the civil servants employed in the Nizamut Adawlut, with the assistance of the Reports of that Court recently published, might jointly prepare a Regulation in a few months, which would be for all persons throughout India as good a penal code as any now existing in the world. The arrangement of a system of Courts for carrying the code into execution is another matter, and some observations are made upon it in a separate Paper.

(signed) *Charles Edward Grey.*
Edward Ryan.

(A true copy.)

(signed) *Holt Mackenzie,*
Secretary to the Government.

(Enclosure, No. 3.)

OUTLINE of a SYSTEM of COURTS for the *British Territories in the East Indies.*

IT is with a great distrust of our own competency that we offer any opinions respecting the establishment of Courts of Justice amongst the natives in the provinces. The Governor General in Council, however, having expressed a wish that we should do so, we will not decline the task. Our suggestions, if inappropriate, will be corrected by those who are more familiarly acquainted with the subject. It would seem to us to be desirable that a convenient and accurate division should be made of so much of the Indian territories as may be fitted for a system of regular government into Presidencies, Provinces, Zillahs and Pergunnahs. This is already done in some sort; but much convenience would result from a more complete division, and from one intended and calculated to be permanent. There would be a greater facility of inspection and control; and the channels for the administration of justice being fixed and customary, the flow through them would be easier and more regular, and the people would know better where and how they were to seek for what they wanted. A map of the political divisions of India, existing under the present system, has never been published. Why should it not? Instead of that surface of huddled names, Hindoo, Mahomedan and British, of which some represent natural divisions of the land, but the greater part political ones which have long been obsolete. In a considerable part of India it would not be difficult to make the complete and perfect division which is here suggested; it might be worth while that the authorities at home should alter, or empower the Governor General to alter, in several respects, the boundaries of the existing Presidencies;

a new

a new one perhaps might be created. The Secretaries of the Government could easily make the division of each Presidency into Provinces ; the principal officer of Government in each province could, with somewhat more trouble, make a subdivision of it into a convenient number of Zillahs ; and the Judge of each Zillah might, in several instances, be able to subdivide it into Pergunnahs, defining the boundaries of each division, and making them unalterable, except by a regulation of the Governor General in Council. Where this could not be immediately done, the existing Courts of Moonsiffs and Aumeens might be continued.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

2. Within every one of these divisions (Pergunnahs, Zillahs, Provinces and Presidencies) there might be one Court. The Pergunnah Courts might be under Native Judges. The jurisdiction of these Courts, in cases where compensation in money was sought, might be limited to causes in which the matter of dispute should not exceed a certain value, say 1,000 rupees ; and in cases respecting lands, to those in which the lands lay entirely within the Pergunnah, and to criminal cases involving no greater punishment than two months' imprisonment. In each Zillah Court there might be three Judges sitting at the same time, but separately, except in cases of appeal, or when any of them should require assistance, when they should sit together. One (or, if necessary, even two) of the three Judges might be natives ; and their jurisdiction might extend to all money cases where the matter in dispute should not exceed in value 10,000 rupees ; to cases respecting land, in which the lands lay in more than one Pergunnah, but entirely within the Zillah ; and to criminal cases not involving the punishment of death or banishment, nor imprisonment for more than one year ; but they should have the power of sending any case of difficulty to the Provincial Court for trial in the first instance, or of reserving it until the visit of a Provincial Judge, as hereinafter mentioned. In each Provincial Court there should also be three or more Judges, sitting separately in all cases, except cases of appeal, when they should sit together, and having jurisdiction in all civil cases not triable by the inferior Courts, and in all criminal cases except treason. In each Presidency there might be one Supreme Court of Appeal, having also an original jurisdiction in civil disputes between privileged persons and bodies of the state, and in suits relating to important public charities, or any other matters which have the effect of putting lands in mortmain, and in criminal accusations of treason, or of corruption in the higher officers of the Government. There are some who do not deem it a right principle for the arrangement of a system of Courts of Justice, that an inferior class of Judges should be provided, and less formal proceedings established for the decision of small causes, than for those which involve claims of greater value. A small sum, they say, is of as much moment to a poor man as a large one to a richer, and the poor man has an equal right to a perfect administration of the law ; but this can scarcely be adapted to practice, and is, at least, opposed to the established usage of almost all countries in the world in all time. There has hardly ever been any civilized state in which there have not been inferior Courts, and more summary modes of proceeding for the settlement of petty disputes ; and if the means by which justice must be administered, and some of the incidents of law, of property, and of crime are considered, reason appears to justify this usual course. For the most part, where the claim is trifling, the circumstances on which it depends are not difficult. A small debt does not usually involve a very long account ; a dispute about a cottage does not often depend upon an intricate title ; a claim of a hundred pounds rarely makes it necessary to explain the doctrines of trusts and uses. Again, the consequences which are attached to the decision of small claims, do not so urgently require caution and sureness of judgment as actions of greater importance. In most cases it is not of equally evil consequence even to the parties themselves, whatever their circumstances may be, to make a mistaken decision as to fifty pounds as fifty thousand ; nor in a sentence of imprisonment for a year, as in a sentence of death. Lastly, the smaller claims are every where by far the most numerous class, and taken altogether would occupy the most time, if they were to be tried with the same formalities as the most important cases. No state can find and pay Judges of the highest qualifications in sufficient number for all cases, and yet it is desirable that as many such Judges should be employed as can be found and retained. Surely, it is only plain sense to say, that these shall be employed upon the more difficult and important cases, rather than upon the ordinary and trifling ones. If laws are ever reduced to so much simplicity, that all are equally able to understand them, then all Courts may be similarly constituted ; but at present it is desirable to have some of a more powerful constitution than can

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

be imparted to all, for the purpose of dealing with those classes of cases in which the greatest difficulties are to be overcome.

3. There should be only one appeal demandable of right for any error in fact. For error in law, whenever law is firmly established, and in all cases where corruption is imputed to the Judge or Court, the appeal ought to go to the Provincial Court at least. But for disputed facts, merely in a suit originally tried in a Pergunnah Court, there should be but an appeal to the Zillah, whose decree in that matter should be final; of a suit originally tried in the Zillah, to the Provincial Court, whose decree should be final; of a suit in the Provincial Court, to the Presidency Court of Appeal; and of the few suits which would be tried originally in the Presidency Court, to the King in Council; but there might be a discretionary power for the King in Council, or the Presidency Court of Appeal, upon special grounds, and more especially that of corruption in any Court or Judge, to call for any case whatever of the highest or the smallest importance, and if necessary, to suspend any decree made in it. In cases of appeal, the Judge, before whom the case should have been tried, should be obliged to state to the Court of Appeal a summary of the whole case, and the grounds of his decision; and the whole of the cases sent from the Provincial Courts to the Presidency Court of Appeal, should be reduced into English. Every Court might have the power of issuing writs of *habeas corpus* within the district through which its jurisdiction extended; and the writ might be demandable as of right in every Pergunnah and Zillah Court, but not in any Superior Court, except when any denial of the writ might have been made by an inferior Court, from which the party had a right to claim it.

4. One Judge of each Zillah might, once in the year, visit every Pergunnah Court of the Zillah; one Judge of each Provincial Court might visit every Zillah Court of the province; and one Judge of the Presidency Court of Appeal, every Provincial Court. The duty of the Judges visiting the subordinate Courts would be to inquire whether there were any complaints of corruption in the Courts, to receive an account of the proceedings of the past year, to inspect and correct the rules of practice and costs, and to try any causes which should have been adjourned until their arrival.

5. The Judges of the Pergunnah Courts might be named by the Zillah Judges annually, or every five years, and if any plan could be arranged for permitting the inhabitants of the Pergunnah to name a list of candidates, from whom one was to be selected, it would be so much the better. The Zillah and Provincial Judges might hold their stations by appointment from the Government of the Presidency, for seven or ten years, subject to removal for assigned grounds of misconduct or incompetence; but, perhaps, it would be desirable that in each Provincial Court there should be a Barrister as Judge or Assessor. The Judges of the Presidency Court of Appeal ought to be appointed by the Crown, partly from amongst the Company's civil servants, but some of them ought to be barristers of 10 years standing in England.

6. The Rules as to the districts within which causes, criminal and civil, should be tried, might be that each crime, according to the nature of the offence, must be tried in the Pergunnah, Zillah, or Provincial Court of that district, either in which the offence was wholly or partially committed, or in which the criminal was apprehended; every civil suit relating to lands in a district in which the lands are wholly situate; every suit relating to moveables or to contracts in the district within which either the plaintiff or the defendant was domiciled at the time of the cause of action accruing, or of the action being brought.

7. All persons without any other exception than that of the Governor General, Governors and Councillors, should ultimately be made equally amenable to every Court. The removal of the inconveniences which might at first oppose this, belongs rather to the formation of a general code of law, than to that part of it which would consist of the arrangement of a system of Courts.

8. For every Presidency there should be one principal officer appointed by the Government to see to the execution of the process of the law, and under him there should be officers for each Province, Zillah and Pergunnah, one for each. These officers should enforce and execute without preference and with equal diligence the process of any Court of Justice whatever which might come to their hands. They should be a distinct body from the judicial establishment, but amenable both civilly and criminally to all Courts of Justice, as the Sheriffs in
England

England are, for corruption, falsehood or neglect. This system is preferable to that of each Court executing its own decrees, which tends to collision between the officers of different Courts, whereas the Sheriffs ought to be indifferently affected as to all.

9. The question of Trial by Jury, which has been so much discussed, might, perhaps, be provided for at first by having juries of five upon all criminal trials in the Provincial Courts, and full juries of twelve in the Presidency Court in the few cases which would come before it for trial. The Zillah and Pergunnah Courts might adjourn the more important of the criminal cases brought before them until the annual visit of a Judge from a superior Court, who might, in such instances, have the power of summoning a jury of five.

10. Instead of having any separate Courts of Equity, it might perhaps be desirable that in forming a code of law, there should be a specification of certain cases to which all Courts might be at liberty to apply a discretionary modification of the strict rule of law, subject to a report to be made to the Superior Court. Equitable modifications will be found necessary in every system. The great object is to make it manifestly apparent when a decision is made upon the ground of law or when upon that of equity, in order that the party interested may know how to apply for the correction of any error. When Judges have a general discretion to apply equitable principles in the administration of law, it is pretty nearly the same thing as having no law at all.

11. Jurisdictions as to wills and testaments and the administration of the estate of deceased persons, might be given to the Pergunnah, Zillah, or Provincial Court, according to the amount of the property and the place where it should be deposited or situated.

(signed) *Chas. Edwd. Grey.*
Edwd. Ryan.

(True copy.)

(signed) *Holt Mackenzie,*
Secretary to the Government.

(Enclosure, No. 4.)

LETTER from the Judges of the Supreme Court to the Secretary of the Board of Commissioners for the Affairs of India.

OBSERVATIONS on various Questions touching the origin and nature of the Authority possessed by the Government and the Supreme Court of Judicature; with Suggestions for the better Administration of Justice, and the adjustment of the numerous points now involved in doubts and difficulties.

Sir, Court-House, Calcutta, September 1839.

WE have now the honour of complying to the best of our abilities with the request contained in your letter of the 15th of November last.

2. To exhibit distinctly our view of the circumstances in which the Court is placed, it is necessary to go through a statement which we not only fear will be tedious, but of which the substance must be familiar to the President and Board, yet the facts have been regarded in such different lights, that unless we communicate our own impressions of them, the foundations on which our opinions rest will be liable to be misapprehended.

3. The first East India Company was constituted for the establishing and improving of a difficult and valuable trade, for a limited time, and with a reservation to the Crown of a power to revoke the Charter when the good of the nation might require it.

4. In the reigns of William III. and Queen Anne, the old Company was induced to surrender its Charter, its corporate capacity was terminated, and its members were admitted into another Company which had been constituted, not by the Crown alone, but by Act of Parliament, and by Letters Patent of the Crown issued in pursuance of the Act; and a power was reserved of entirely putting an

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

end to the United Company after a certain time, and upon a certain notice, and upon the repayment of a sum advanced by the Company to the Crown.

5. The possessions of the old Company in the East Indies were transferred for a valuable consideration to the new one; and they were principally the island of Bombay, a town and fortress at Madras, and another at Calcutta. These three places, of which the property was then in the United Company, or those who held under them, were plainly recognized by the Crown in 1726, in Letters Patent of that date, to be British settlements, and within the King's peace and allegiance, and the Company who accepted the Charter must be deemed to have been parties to it.

6. Bombay had long been severed from the Mogul empire, but Madras and Calcutta probably were considered even subsequently to this period by the Indian Princes whose territories surrounded them, as nothing more than factories in which they had given a property to the Company, and allowed them to raise fortifications for their defence in times of disturbance.

7. In 1730 the Company was declared, in explicit terms, by the statute of the 3 Geo. II. c. 14, to be a perpetual corporation, and to be entitled as such to continue to trade in common with other British subjects, if at any time their privilege of an exclusive trade should be terminated. There had been a previous Act in 1710, intended probably to have the same effect, but of which the language was rather obscure and uncertain.

8. The powers of political government which had been given by the British Crown and Parliament, whether to the new Company or the old, down to the year 1757, were calculated mainly and almost entirely for the defence and protection of the three settlements above mentioned, and of the great trade which was carried on for the benefit of the nation.

9. In 1757, however, in the recovery and protection of the settlement at Calcutta, an operation in which the Company were assisted by the King's forces, the abilities of Colonel Clive were so much more than equal to the occasion, that he suddenly found himself the conqueror of the whole of the rich and populous provinces of Bengal, Behar, and Orissa; the capital was in his possession; and the Subahdar or Viceroy, whom he had defeated in battle, was killed by one of his own people. Colonel Clive and Admiral Watson, whilst the contest was going on, had promised a Mahomedan officer of the enemy, that if he assisted them he should be Subahdar; and Colonel Clive accordingly made him assume the title and state of Subahdar of the three provinces, though he had no claim, by any appointment of the Mogul Emperor, nor by any hereditary right, but depended entirely upon the support of Colonel Clive, whose act must have required in this case, to be ratified by the British Crown, before it could be considered as standing in the way of any arrangement which the Crown or Parliament might choose to make respecting the conquest.

10. To pass over intermediate events, the Governor and Council of Fort William, on the part of the East India Company, in February 1765, made an agreement with the successor of this Subahdar, of which the substance was, that he should have the title and rank of Subahdar, and Nazim of Bengal, Behar and Orissa; but that the Company should nominate a Deputy Subahdar, who should not be removeable without their consent, and who should have the management of all public affairs, including the revenue and the appointment of officers in that department, but that these should be liable to be removed on the application of the Company. A British person appointed by the Company was to be always resident with the Subahdar, and no European was to be admitted into his service. The Subahdar agreed that the opinion of the Company should be the criterion of what would conduce to his honour and reputation; and the whole military force was put into the hands of the Company, to whom Burdwan, Midnapore, and Chittagong, three districts in Bengal, yielding a large revenue, had been some time before assigned, for the purpose of their maintaining an army.

11. At a later period of the same year, 1765, the Company obtained from the Mogul Emperor, after the battle of Buxar, a firman, which purported to be a grant in perpetuity of the whole revenues of Bengal, Behar and Orissa, upon condition of their providing for the expenses of the Nizamut, and paying to the Emperor annually twenty-six lacs of rupees.

12. In this manner within a short time, and before the close of the year 1765, the Company had taken into their hands all the means and forces of Government throughout Bengal, Behar and Orissa; and as a perpetual right to collect the land revenues necessarily implied the right of entering and measuring the lands, and of ejecting the tenants upon failure of payment, it was absolutely incompatible with any adverse possession in other hands of the dominion of the country. There were then but three modes in which it seems to have been possible to contend that the Company had the right to keep the powers they had obtained. First, as filling under the Mogul Emperor the offices of perpetual Dewan and commander of the army in these provinces, and as holding in perpetuity the three districts of Burdwan, Midnapore and Chittagong, with all such rights annexed as the Subahdar had formerly enjoyed; secondly, as having become in fact themselves the sovereigns of Bengal, Behar and Orissa; or thirdly, that, as British subjects, they had obtained them by conquest and treaty, in trust for the British Crown. It would not have been reasonable that a Company which had been created by the British Parliament, and was composed for the most part of natural-born British subjects, to whom the temporary privilege had been given of excluding all other British subjects from the sea-coasts of more than half the globe, should have seized the opportunity afforded by these privileges, to secure to themselves a power either as independent potentates, or as servants of a foreign prince, which might be turned to the injury of the country to which they owed their political existence: accordingly, the British Parliament, by the Act of the 13 Geo. III. c. 63, seems to have decided that the last of the three forms stated above was the only one in which the Company could be permitted to hold what they had so unexpectedly acquired; and as the circumstances were such as had not been at all contemplated when their Charter for trade was granted under the statute of the 9 William III., and as those circumstances might vitally affect the interests and constitution of Great Britain, provisions entirely new and different were justified and required by the occasion.

13. One difficulty was felt which would not perhaps at the present day have been thought so considerable. It was imagined that the land revenues, after defraying the expenses of Government, would still yield a large surplus, and this the Company claimed as their lawful profit, and that they had a property in the revenues. On the other hand, it was contended, and indeed it was resolved by the House of Commons, that the revenues belonged to the State. The dispute ended in a provision which has been renewed and still subsists, that the revenues and territorial acquisitions should remain for a limited period in the possession of the Company, without prejudice to the claim of the Nation: and the matter is now of less consequence than it was formerly, since the expenses of Government, to which the land revenues are specifically appropriated by Act of Parliament, are such as to make it unlikely there will be any great surplus, unless taxes should be imposed to a considerable extent; and even in the event of a surplus, the respective shares of the Company and the Public are ascertained by the statute.

14. To a certain extent the statute of the 13 Geo. III. c. 63, seems to be clear and decisive. It put an end to all question as to the dependence of the Company on the Parliament, and as to the absolute right of the British Legislature to regulate and direct the whole powers of political government which the Company might then have or thereafter acquire. The Parliament itself nominated in the statute the five persons who, for the next five years, were to be the Governor and Council in Bengal, and who were not to be removeable by the Company; reserving to the Company the power of appointing subordinate agents for the management of their commercial affairs; and although the Governor and Council were subjected to the lawful orders of the Court of Directors, the Directors were placed, as to matters of government, under the superintendence of the High Treasurer or Commissioners of the Treasury, and one of the Secretaries of State. Since that period the trade and property of the Company have been in law, according to statutory enactment, a distinct and separate thing from their powers of political government, but unfortunately not so distinct that they have not continued to be entangled at several points, and frequently confounded; and although the Company's powers of government, whatever they were, were at this time entirely subjected to the British Crown and Parliament, it was not made quite so plain and certain how far, and in what manner, it was intended to assert the sovereignty of the Crown and the authority of Parliament over the provinces in which these powers were to be

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

exercised, and especially to what extent it was intended that the powers of legislating and administering justice, which had existed under the former governments of the country, should survive the change which had taken place. The title of the Act implied only the establishment of dominion and law over the whole of a newly acquired territory and its inhabitants; there was no formal declaration in it even of the sovereignty of the Crown; the Settlement at Fort William, and the factories and places subordinate thereto, were mentioned distinctly from the provinces at large; and there were many expressions and provisions whence it might be inferred that the inhabitants of the provinces were not considered as having become British subjects, which would have been the legal consequence of the provinces having become British territory. But on the other hand, the whole civil and military powers of Government throughout the provinces had for some time been in the hands of the Company, and the Governors newly nominated and appointed by Parliament, were directed to exercise the same, including the ordering and management of the Revenue, which, as we have stated, was absolutely inconsistent with the dominion of the country being in any adverse possession; and there is no supposition on which it can be conceived to have been intended by the British Parliament, that British persons, appointed by the King in Parliament to exercise all the powers of government, should exercise them in any subordination, either formal or substantial, to any other Crown than that of Great Britain itself. Since that period neither the Mogul Emperor nor the titular Subahdar and Nazim, have ever been permitted to do any important act of authority within Bengal, Behar or Orissa. In the course of the debates which preceded the statute, the House of Commons had resolved, with reference to the revenues and territorial acquisitions, that "all acquisitions made by treaty with foreign Princes did of right belong to the State;" and by the statute they were declared to be left in the possession of a British Company, by the permission and will of the British Parliament. By the Charter of Justice, which was granted under the Great Seal in the next year, 1774, writs in the King's name were directed to be issued into every part of the provinces of Bengal, Behar and Orissa; and it has never, from that time until this, been disputed that these writs, against certain classes of persons at least, have always been legal, and of as full force and effect on the outer borders of the provinces, as in the town of Calcutta, or as in England itself. The writers too, who have been the best qualified to pronounce an opinion upon this subject, and amongst the rest Mr. Harrington, a Chief Judge of the Sudder Adawlut, who wrote and published, with the sanction of the Court of Directors, an Analysis of the Laws and Regulations of Bengal, have always dated from this statute, or from the earlier era of Clive's conquest, that sovereignty of the British Crown over Bengal, Behar and Orissa, of the present existence of which throughout the British Possessions in India there cannot be any question.

15. Perhaps in these circumstances, the most consistent and tenable ground on which the enactments of the statute of the 13 Geo. III. c. 63, can be placed, is the supposition of the sovereignty of the British Crown, and the authority of Parliament having been fully established by it, or by what had previously taken place, but that it was not intended to abrogate the previously existing laws of the new territories further than was expressly declared, nor all at once to abolish or preclude the powers of legislating, and of administering justice, which the Company had obtained from the former Governments, but only to subject these to the control and regulation, and to the will of the Crown and Parliament; at the same time that means were afforded to the Indian Government of bringing the whole territories gradually into a subordination to the settlement at Fort William, and of making regulations by which, under the control of a Supreme Court of Justice, one uniform system of law and government, not repugnant to the laws of England, might ultimately be established. To leave, for a time, to the old forms of Government a distinct existence, was not only the course which the difficulties of the case seemed to point out, but it was perhaps, in some degree, required by good faith, and was recommended by considerations of humanity. It seemed to be implied, in the grant by which the Dewanny had been given up, and in the agreements which the Company had made with the Subahdars whom they had set over the provinces, that, for a time at least, the Nizamut or Mahomedan Government of the provinces should be maintained. The Crown and Parliament, though they had been no parties to these agreements, had not cancelled them, and were certainly bound, in justice, if they took any benefit from them, to observe the conditions

which

which might be annexed; and although the obvious intention of those who were parties to the grant of the Dewanny, and the plain meaning of the words, were only that the Mogul Emperor should not be called upon for any of the expenses of the Nizamut, it might be contended that the use of the term, "Nizamut," which was a well-known office, including the whole government, excepting the collection of the revenue and its necessary incidents, implied some retention of its Mahomedan form and character; and under the existing arrangements with the titular Subahdars, there was a system of Mahomedan government in action in the provinces, at the head of which was placed a native nominated by the Company as Naib Subahdar, or Deputy Subahdar. Upon the supposition that the statute established the sovereignty of the British Crown over the provinces, it would have followed, but for these considerations, that the existing inhabitants would have become, not naturalized indeed, but still British subjects, though with the liberty perhaps of removing themselves and their property. Lord Mansfield's declaration of the law on this point, in the case of *Campbell* against *Hall*, in the very year in which the Charter of Justice was granted, must be held to be conclusive, and to have expunged the barbarous tenet of some lawyers of a former time, that a people, uninstructed in the Christian religion could neither claim protection as their right, nor owe allegiance as a duty to the British Crown. But if the Act and Charter passed upon the supposition of the Nizamut and Dewanny being maintained in their Mahomedan form, except where Parliament had expressly altered them, or might afterwards interfere to do so, those who at the time were living under the Mahomedan form of government in the provinces might be considered as entitled, notwithstanding the territory had become British dominion, to stand in something like the same relation to the British Crown as the European inhabitants of factories had been permitted to maintain with the Mogul sovereigns and other Indian princes; a relation which preserved to them their characters and rights respectively of British, French, or Dutch subjects, though inhabiting the territories of a foreign sovereign. It was no longer indeed, as it seems to us, possible to contend that the natives born subsequently within the provinces would not be subjects of Great Britain, but they might perhaps be considered to be so by reason of their being subjects of an Indian realm which had become a dependency of the British Crown and Parliament, but which still retained, by permission of Parliament, some distinct powers of legislation and of administering justice, as portions unabrogated of their former laws. It was the more reasonable to lean to this interpretation, because the Mahomedan and Hindu inhabitants of those provinces, like the clients under the Roman law, or the vassals of the feudal system, and indeed the common people under every other state of government in which numerous chieftains or heads of political or religious classes exist, had been accustomed to think more of their fealty to the immediate chief upon whose land, or under whose protection or patronage they lived, than of the allegiance due to a common and supreme sovereign. The country was in a state in which the people ranged themselves under different flags, rather than according to boundaries of territory. The Hindus and Mahomedans could not suddenly and all at once have been brought under an entirely new, and fundamentally different, system of laws, without the most extreme difficulty and inconvenience; and as to the Mahomedans, there was the further consideration that their Koran enjoined obedience to those rulers only who protected their religion. No lasting inconvenience was necessarily connected with this view of the case. Treaties among Indian princes had been for the most part considered by themselves, unless there was some special provision in them, as binding only during the lives of those by whom they were made. Subsequent experience has shown that the expounders of the Koran find no difficulty in reconciling the allegiance of Mahomedans with that degree of toleration and protection of their religious usages which the British Parliament has felt no difficulty in sanctioning; and the Parliament is supposed to have always had the power and right, whenever it might choose to interfere, of modifying and altering those remnants of Mahomedan government which it permitted to exist in a distinct state. Thus the subsequent existence of the Nizamut is reconciled with the statute of the 13 Geo. III. c. 63, but is not supposed to have been left upon so stable a foundation as to have prevented it from being moulded into a more British form when those were dead who had any personal claims to insist on its continuance, and when the next generation of natives, without any abrupt offence to their prejudices and habits, might be brought more immediately under the influence of British institutions. The exercise also of certain powers by the British Governments in India is explained, which cannot, strictly speaking, be shown to be derived

V.
Legislative
Councils;
Courts of Justice
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

from Parliament, though subsisting only by its permission, and to be exercised in subordination to its authority and will.

16. The first establishment of the Supreme Court of Judicature at Fort William was directed by the statute on which these observations have been made. The object in making them has been to explain the powers and jurisdiction which were given to the Court, and to show, at the same time, how imperfectly defined were the foundations on which it was placed, and by how many obscure difficulties it was surrounded. For these purposes there are still some other facts, which it is necessary to revive and bear in mind. The first East India Company had very early been empowered to establish Courts, and in many cases to put in force within their settlements and factories the English laws; and similar power was given to the new Company by the Charter of the 10th of William III.; but in 1726 these Courts had been superseded, and there had been established at each of the settlements of Madras, Bombay and Calcutta, by Royal Charter, a Court, consisting of a Mayor and Aldermen, for the trial of civil actions, and a Court of Oyer and Terminer, consisting of the Governor and Council, for the trial of criminal offences; and the Governor and Council were also constituted Justices of the Peace, and had continued to be so from that time. The Charter was surrendered, and a new one granted in 1753, with some alterations, but not such as to change materially the structure of the Courts as stated above. These Courts at Calcutta were acknowledged by all persons, after the conquests of Clive, to be no longer sufficient for the administration of justice. Besides their powers of political government, and their rights connected with the general revenue, under the grant of the Dewanny, the Company claimed the three districts of Burdwan, Midnapore and Chittagong, as entirely belonging to them, and the property also of a large zemindarry lying to the south, but beyond the boundaries of Calcutta; and they had enjoyed for themselves and their servants the privilege of trading free of duty throughout the provinces. There had been numerous factories and smaller stations, called aurungs, in different parts of the provinces, where their agents and servants, and makers of salt, and weavers, and other persons employed by them, or living under their protection, were collected, and where the upper agents traversed the country in all directions; some of them were guilty of many violent and oppressive acts, and a state of the greatest disorder had ensued. It was expressly with a reference to these circumstances, to the insufficiency of the former Courts, and for a remedy of these evils, that the new Court was directed to be established; and the statute fixed the outline of its powers and authority, which were to be more distinctly and specifically developed in a Charter to be granted by the Crown, in pursuance of the statute.

17. The statute provided that the Court should exercise all civil, criminal, admiralty and ecclesiastical jurisdiction; and that it should be a Court of Oyer and Terminer and Gaol Delivery, for the town of Calcutta and factory of Fort William in Bengal, and the limits thereof, and the factories subordinate thereto; and that the Charter to be granted by the Crown, and the jurisdiction and powers to be thereby established, should extend to all British subjects who should reside in Bengal, Behar and Orissa, or any of them, under the protection of the Company; and that the Court should have full power to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanors or oppressions, and to hear and determine any suits or actions against any of His Majesty's subjects in Bengal, Behar and Orissa; and any suit, action or complaint against any person who at the time of the cause of action arising should be employed by or in the service of the Company, or of any of His Majesty's subjects; and should hear and determine any suits and actions of any of His Majesty's subjects against any inhabitant of India, residing in Bengal, Behar and Orissa, upon any agreement in writing where the cause of action should exceed 500 rupees, and where it should be agreed that in case of dispute the matter should be determined in the Supreme Court; and that such suits or actions might be brought in the first instance before the Court, or by appeal from the sentence of any of the Courts established in the provinces: That the Governor General in Council, and the Chief Justice and other Judges of the Supreme Court, should have full power and authority to act as Justices of the Peace for the settlement at Fort William, and the several settlements and factories subordinate thereto, and to do all things to the office of a Justice of the Peace appertaining; and for that purpose the Governor and Council were autho-

rized

rized and empowered to hold quarter sessions at Fort William four times in the year : That in cases of indictment or information laid or exhibited in the Court of King's Bench in England, for misdemeanors or offences committed by Governors, Counsellors or Judges in India, the Court of King's Bench might award a mandamus to the Supreme Court, requiring it to examine witnesses and to receive proofs, and to issue such summons or other process as might be requisite for the attendance of witnesses ; and in case of any proceedings in Parliament touching any offences committed in India, that it should be lawful for the Lord Chancellor and Speakers of the two Houses to issue their warrants to the Governor General and Council, and the Judges of the Supreme Court, as the case might require, for the examination of witnesses, and such examinations, duly returned, should be good and competent evidence. A like power of directing to the Supreme Court writs of mandamus or commissions to take evidence, was given to all the King's Courts at Westminster, in actions or suits of which the causes should have arisen in India ; but an exception was made that depositions taken in this manner should not be evidence in capital cases, unless in Parliament.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

18. In stating the fuller and more express ordinances of the Charter by which in the following year the Court was established, it may be as well, for the sake of brevity, to pass over the authority of the Court as a Court of Equity, of Admiralty, and an Ecclesiastical Court, and to describe only its other powers and jurisdictions : namely, first, an authority similar to that which the Justices of the King's Bench have in England by the common law, and to be exercised especially for the conservation of the peace ; secondly, the hearing and determining of pleas in civil actions ; thirdly, its jurisdiction as a Court of Oyer and Terminer and Gaol Delivery ; and fourthly, powers to be exercised in assistance of proceedings, criminal or civil, instituted in Parliament or in the superior Courts in England, for causes of action or offences in India : and it ought to be borne in mind that whatever reason there may be to suppose that the statute of the 13th Geo. III. c. 63, was somewhat imperfectly worded, by reason of its being the production, not of calm leisure and clear views, but of a struggle of parties after the attention of all had been exhausted, and their conceptions disturbed, by the disputes of several successive sessions, there is no ground for thinking that the Charter itself, though its form must have depended in a great measure upon the statute, was drawn up otherwise than with great care. The case of *Campbell* against *Hall*, which was heard and decided in that very year, shows how much the minds of some of the principal lawyers of the time, and especially Lord Mansfield, had been engaged in those great questions which the Charter involved ; and it is known that it was subjected to the inspection of Lord Thurlow, Lord Loughborough, Lord Bathurst and Lord Walsingham, and received their corrections and amendments.

19. Justices of the Peace had been established at Madras, Bombay and Calcutta, since 1726 ; and the statute of the 13th Geo. III. c. 63, enacted that the Governor General and Council and the Judges of the Supreme Court should be Justices of the Peace for the settlement of Fort William, and the settlements and factories subordinate thereto, and the Governor General and Council were directed to hold quarter sessions at Fort William. By the Charter which followed the statute, the Court of Quarter Sessions and the Justices were made subject to the control of the Court, for any thing done by them while sitting as a Court of Quarter Sessions or in their capacity as Justices, in the same manner and form as the inferior Courts and Magistrates in England are by law subject to the order and control of the Court of King's Bench ; and the Supreme Court was empowered to issue to them writs of mandamus, certiorari, procedendo, error. By the fourth clause of the same Charter it was ordained, that the Judges of the Supreme Court should respectively be Justices and Conservators of the Peace, and Coroners, within and throughout the provinces, districts and countries of Bengal, Behar and Orissa, and every part thereof, and should have such jurisdiction and authority as Justices of the Court of King's Bench have within England, by the common law thereof. It has not, as far we are aware, been questioned that under these provisions there was given to the Supreme Court the same power and control over the Court of Quarter Sessions, and over any of the individuals, amongst whom was each of the Judges themselves, who were constituted Justices of the Peace, as the Court of King's Bench has over Justices of the Peace in England ; nor can it reasonably be contended that the authority of the Judges in this respect was limited to the settlement at Fort William, and the factories and places which had been

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

subordinate to the settlement before Clive's conquest. For the first, not only were the powers given in the fourth clause of the Charter expressed to be such as the Justices of the King's Bench had by common law, which not being those of local Conservators of the Peace merely, nor such only as were possessed by the other Judges, are known to have extended wherever the King's peace was to be preserved; but those who framed that clause of the Charter, as if to prevent the possibility of doubt, took care to employ the words, "throughout the provinces and every part thereof:" words which, except by a counsel in support of his case, can never be supposed to have been heedlessly used, or to have been meant, when sanctioned by the great seal, to be treated as an empty form by the Judges, to whom the Charter was given as the text of their duties. Secondly, the principal motive which led to the establishment of the Court was a desire to prevent the violence and oppressions of which British persons and other agents of the Company were guilty in the provinces, and for the correction of which the former Courts were declared insufficient. This could not have been done by the Court if the Judges were to have power as Conservators of the Peace only at Fort William or in the scattered factories, and to be powerless in the interjacent spaces; whilst British persons, who were acknowledged to be independent of the Nizamut and Mahomedan laws, might range the provinces at large. If a murder was committed or false imprisonment made in the provinces, by a person amenable only to the Supreme Court, it was necessary that the Judges, as Coroners and Conservators of the Peace, should have a right of instant investigation, and of affording immediate relief. Their powers could not have been adapted to the increase of territorial acquisitions, or in any way more effectual than those of the former Justices of the Peace, if they had been confined within the same bounds. Thirdly, it never has been contended that writs of habeas corpus to release from wrongful imprisonment may not be issued, or that they have not been lawfully issued, to British persons in the provinces; and we apprehend that it is upon the fourth clause of the Charter that the power of issuing any writ of habeas corpus at all will be found to rest; and that, in this respect at least, that clause is something more than idle words, and that the powers of the Judges given to them by it are not merely those of ordinary Justices, but such as belonged to the Justices of the King's Bench by the common law. Fourthly, it was in no way consistent with the supposition even of the provinces being a distinct and subordinate realm, that the King should appoint Conservators of the Peace there with the fullest power. It never has been questioned that the process of the Court, as a Court of Civil Pleas and a Court of Oyer and Terminer, was intended, as against British persons at least, to run through every part of the provinces; and for the purpose of enforcing the attendance of witnesses, this has not been restricted to British persons, but is compulsory on the native inhabitants as well as others. This being the case, it would have been difficult to find any good reason for confining to narrower local bounds the power given to the Judges for the conservation of the peace; nor has there ever been any way in which the process of the Court, in any of its several capacities, could be effectually enforced or supported, unless by a co-extensive power of preventing a riotous resistance of it. Lastly, this point seems to be placed beyond doubt by the 33 Geo. III. c. 52, s. 151, in which it is declared that the Governor General and Council, and the Judges of the Supreme Court, had heretofore been authorized by law to act as Justices of the Peace within and throughout the provinces, districts and countries of Bengal, Behar and Orissa; and since that statute, under commissions authorized by warrant of the Governor General, but issued by the Supreme Court, and sealed with the seal thereof, there have been Justices of the Peace resident in all parts of the provinces, who are acknowledged to be subject to the control of the Supreme Court. Supposing it then to be beyond dispute that the powers given to the Court in 1774, by the fourth clause of the Charter, were not limited to the settlement at Fort William and the subordinate factories, but extended throughout the provinces, the reasons for thinking that the native inhabitants were not exempted from them are, first, that in that passage of the Charter no such exemption is made; secondly, that the nature of the power and the objects of it are absolutely incompatible with any exemption of particular classes of persons. No Conservator of the Peace, at any time or in any place, no Justice of the Peace at present in the provinces, could make any distinction of persons in the discharge of his peculiar duties. If any affray or riot takes place, especially in the night time, it is impossible that there can be any selection of the rioters. If one of the Council, or a Judge of the Court, in 1775, or at any time previous to 1793, when they

were

were the only Justices of the Peace, should have been resisted, and himself or his assistants imprisoned or maltreated by natives, when he was discharging his duty as a Justice of the Peace in the provinces, even though the primary cause of his being called upon to act might have been a breach of the peace by a British person, it could not have been maintained that the Court had no power to protect him, or release him from imprisonment; and there seems to be equal reason that the same power should now exist for the support and protection of those who act under the commission of the peace which is issued by the Court. If a criminal in the provinces amenable to the British law and the Supreme Court, and to no other tribunal, be harboured and abetted by natives, surely they are not to set at defiance the Justice of the Peace who is to apprehend him, and the Supreme Court to whom the Justice is answerable. We are aware of its having been said that the Charter exceeded in some particulars, and went beyond the words of the statute. We do not admit this to have been the case, but consider, on the contrary, that the directions of the statute, that the Court should exercise all criminal jurisdiction, and that the jurisdiction should extend to all the King's subjects who should reside in the provinces, implied and made it absolutely necessary that there should be a power similar to that of the Justices of the King's Bench, extending throughout the provinces; but even if this necessity had not been created by the statute, the Charter, for every purpose that was within the King's prerogative, and which was not prohibited in express terms by the statute, would not have been the less valid and effectual. Supposing the provinces to have become British dominions, then, whether the statute sufficiently declared that the Judges of the Supreme Court were to be Conservators of the Peace in the provinces, or not, it is certain that it did not constitute any other persons so as to preclude the Crown from exercising its prerogative of entrusting that duty to the Judges. The will and intention of the Crown upon this point was declared in very plain words in the fourth clause of the Charter; and the power there given (whether it was meant that there was to be any concurrent power or not surviving out of the old Mahomedan Government) was indicated, both by the words and by the nature and subject of the power, to be one which was to operate upon all within its sphere, without distinction of persons.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

20. A second branch of authority and jurisdiction given by the Charter was that of hearing and determining all pleas, real, personal or mixed, respecting things real or personal in Bengal, Behar or Orissa, and all pleas of which the cause should accrue against the East India Company, or any of the King's subjects who should be resident within Bengal, Behar or Orissa, and against any other person who at the time of action brought, or cause of action accruing, should be directly or indirectly employed by or in the service of the Company, or any other subject of the King; and in cases in which the cause of action should exceed 500 rupees, against every other person whatsoever, inhabitant of India, and residing in Bengal, Behar or Orissa, who should agree in writing that in case of dispute the matter should be determined in the Supreme Court; and that in such cases it was provided, that if the suit should be brought in any of the Courts of Justice already established in the provinces, either party might appeal to the Supreme Court, which might by writ command the parties to surcease proceedings in the Provincial Court, and take upon itself the determination of the suit.

21. A third branch of jurisdiction was that of a Court of Oyer and Terminer for the town of Calcutta and factory of Fort William, and the factories subordinate thereto; and the Charter empowered the Court to try all crimes and misdemeanors committed within the town or factory, and the other factories, and to inquire, hear and determine, and award judgment and execution of, upon and against all treasons, murders, crimes, misdemeanors and oppressions committed in the provinces or countries called Bengal, Behar and Orissa, by any of the subjects of His Majesty, or any person employed by or in the service of the Company, or of any subject of His Majesty; and for this purpose to award and issue writs to the Sheriff to arrest and seize the bodies of such offenders, and to do all other necessary acts.

22. If these parts of the Charter, without a reference to those treaties or agreements which we have before noticed, had been strictly insisted upon and rigidly enforced, it seems to us that it might have been very difficult to maintain in law, that subsequently to the 13 Geo. III. c. 63, and supposing the provinces to have become in any manner dominions of the King, there could be any person domiciled within them, unless it might be the inhabitants of the European factories, who were

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

not to be considered, for the time at least, subjects of His Majesty, and consequently, according to the words of the Charter, amenable to the Supreme Court, both in civil and criminal suits; but by an indulgent construction of the Act and Charter, in conjunction with the agreements which had been made by the Company with the native Princes, and by supposing that such parts and powers of the old Governments still subsisted as were not expressly superseded by the Statute or Charter, those who could be considered as living under the protection of the Nizamut or Mahomedan system of law and government over which the Naib Subah had presided, seem from the first to have been held, upon the grounds which have been already stated, to be exempted from the jurisdiction of the Supreme Court as a Court of Pleas and Court of Oyer and Terminer; but even these were held liable to be summoned and compelled to attend the Court as witnesses, and without such liability the Court would have been unable to perform many of the important functions expressly and unambiguously assigned to it by the Crown and the Legislature.

23. These complicated circumstances, of which we have endeavoured to present an accurate statement, could not subsist for any length of time in the indistinct form in which they were left, without disturbance. Those disputes and disgraceful contests, between the Governor and Council on the one side, and the Judges on the other, ensued, on which we wish to make only one observation, namely, that an impression has been created that the Judges greatly exceeded their authority as defined in the Act and Charter, but that we believe it will be found on examination that this was not the case, nor considered by the Parliament to be so; and the Act of the 21 Geo. III. c. 70, in which it was found necessary to provide an indemnity for the unlawful resistance of the Court by the Governor and Council, and the Advocate General, made no similar provision for the Judges. The misfortune appears to have been, that the Legislature had passed the Act of the 13 Geo. III, c. 63, without fully investigating what it was that they were legislating about; and if the Act did not say more than was meant, it seems at least to have said more than was well understood.

24. Some important enactments were accordingly made by the statute of the 21 Geo. III, c. 70, as to the powers and jurisdiction to be exercised by the Court in future. First, that the Court should not have any jurisdiction in any matter concerning the revenue, or acts done in the collection thereof, according to the usage of the country, or the regulations of the Governor General and Council; and it was expressly declared to be expedient that the inhabitants of the provinces should be maintained and protected in the enjoyment of all their ancient laws, usages, rights and privileges; the Governor General and Council were declared to be a Court of Record, which might lawfully hold all appeals from the Country or Provincial Courts in civil causes, with a further appeal to His Majesty in Council, in suits of which the value should be 5,000 *l.* and upwards; that the same Court of the Governor General and Council should hear and determine all offences, abuses and extortions in the collection of the revenue, and punish the same at discretion, provided that the punishment did not extend to death, maiming or perpetual imprisonment; and that the Governor General and Council should have power to frame regulations for the Provincial Courts, which His Majesty and Council might disallow or amend; that no person should be subject to the jurisdiction of the Supreme Court by reason merely of his holding land, or collecting the revenue from lands held by him or under him, nor in any matter of inheritance or succession to land or goods, or ordinary matter of dealing or contract, by reason of his being in the service of the Company or the Government, or of any native or descendant of a native of Great Britain, but only in actions for wrongs, or upon special agreement in writing to submit the decision to the Supreme Court. The Governor General and Council were exempted from the jurisdiction of the Court for any act or order done or made by them in their public capacity, unless it should extend to any British subject, in which case the jurisdiction of the Court was retained; the Governor and Council in other cases continuing to be responsible to Courts in England; and provisions were made for the parties obtaining through the Supreme Court copies of any orders complained of, and also having the evidence in India taken by the Supreme Court. Provincial Magistrates, as well natives as British subjects, exercising judicial offices in the Country Courts, were exempted from actions in the Supreme Court for wrong or injury, for any judgment, decree or order of their Courts, and the like exemption was extended to all persons

persons acting under such orders; and in case of an intention to bring any information in the Supreme Court against any such officer or magistrate for any corrupt act, a certain notice was directed to be given before the party could be arrested or other proceedings could be taken against him. There was a proviso in the Act, that the Supreme Court should have full power and authority to hear and determine all and all manner of actions and suits against all the inhabitants of Calcutta, but that the inheritance and succession to lands and goods, and all contracts, should be determined by Mahomedan or Hindoo law respectively, where the defendant was a Mahomedan or Hindoo; that the rights of fathers and masters of families should be preserved; that nothing done according to the law of caste within the family should be deemed a crime; and that the process of the Court should be accommodated to the religion and manners of the natives.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

25. It is deserving of remark, that in this statute, although the existence of the Provincial Courts for the determination of civil causes is noticed, and the Governor General and Council are empowered to correct abuses in the collection of the revenue, by any punishments short of death, maiming or perpetual imprisonment, there is no Provincial or Country Court of Criminal Justice mentioned; and up to the time at least of that statute, the Supreme Court, as a Court of Oyer and Terminer, and the Court of Quarter Sessions, are the only ones recognized by statute as capable, in the Presidency of Fort William, of hearing and determining charges of crimes and misdemeanors against the law, other than abuses in the collection of the revenue. In fact, the present Nizamut Adawlut, and the whole system of Criminal Courts subordinate to it, have not been established by a power created by the Crown or Parliament; they are referred to in the last statute by which the Government of India was renewed, namely, the 53 Geo. III, c. 155, but they were established by regulations of the Governor General in Council in 1793, in lieu of the Mahomedan Criminal Courts, over which the Naib Subah had presided; and they are a continuance of those Courts in a regulated form, not a new creation. In 1793, there had not been any power created by the Crown or Parliament, under which, except for revenue offences, the Indian Governments could establish Criminal Courts, subsequent to the Charter of the 10 Will. III.; and the powers of establishing Courts given in that Charter, seem to have been entirely superseded by the Charters of 1726 and 1753.

26. Since the Act of the 21 Geo. III. c. 70, the jurisdiction which the Court possessed in Bengal, Behar and Orissa, has been extended over all the vast territories which are now under the Presidency of Fort William; and there have been several enactments affecting the Court in various ways, but it is not necessary to state them *seriatim*. The foundations of its jurisdiction have been shown, and it appears to us, first, that the Court has now the superintendence and control of the Commission of the Peace throughout every part of the provinces of the Presidency of Fort William, in the same way as the Court of King's Bench has it in England: that the power of Justices of the Peace is one which for the most part must of necessity be exercised without discrimination of persons, and that the superintending power of the Court is of a corresponding character: that as a branch of the power given to it by the fourth clause of the Charter, for the conservation of the peace, and for the kindred object of relief against oppressions which are immediately consequent upon breaches of the peace, the Court possesses and exercises the power of issuing writs of *habeas corpus*, to relieve from false imprisonment: that this power is not locally limited to the town of Calcutta, but is co-extensive with the superintending powers of the Judges, as supreme conservators of the peace; and that, inasmuch as British persons at least, and natives employed by the Company or the Government, or any other British persons, are liable to be sued in the Supreme Court for trespasses, or indicted for offences committed in the provinces, and that, for any corrupt act, an information will lie against a judicial officer, whether native or European, there is no ground for saying that a writ of *habeas corpus* may not be directed to any of these, if the act complained of should include a continuing and subsisting false imprisonment. With respect also to the natives generally who reside in the provinces, under the Mahomedan law and the regulations of Government, it would be uncandid if we were not to admit, that before we saw the decision of the Privy Council upon the petition of Sir John Grant, we should have said, upon a mere question of legal construction, that the Court had a right to direct a writ of *habeas corpus ad subjiciendum* to a native, for the purpose of relieving another native from false imprisonment, because we look upon

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

this writ as a branch of the powers given by the fourth clause of the Charter, principally and especially for the conservation of the peace, and other objects closely connected with it; and conceiving that those powers must generally extend in law to all classes of persons, where they operate at all, we should have been at a loss to find any legal ground for restricting the use of that particular writ in a different way from the exercise of the other powers derived from the same clause and sentence of the Charter. At the same time we would wish it to be understood, that in such a case the statute of Charles the Second would be compulsory upon us, but that the application must be made under the fourth clause of the Charter, and upon the ground of our having a similar power to that which the Justices of the King's Bench have at common law; and as we should always have thought that in these circumstances we should have had to exercise some discretion, we do not conceive that we should have issued the writ upon the complaint of a native, against a native resident in the provinces, where there was any other lawful power competent and willing to afford more convenient relief. The decision of the Privy Council we receive with the utmost deference, and we are bound by law, and feel every inclination, to regulate our proceedings by it; but it is only the more necessary on this account, at a time when we understand that an Act is about to pass declaratory of the jurisdiction of the Court, that we should point out some questions of difficulty which might arise upon that decision. If a British person, especially a Justice of the Peace, or his assistants, should be opposed, and any of them should suffer false imprisonment from a native in the provinces, is the Court without power to relieve them, when if the party, being a British subject, should apply to the Government, and the Governor General in Council should make any order in support of the native complained of, those at least who should act under the order would be liable to the jurisdiction of the Supreme Court, by the express reservation in the 21 Geo. III. c. 70, s. 3? The jurisdiction of the Court as a Court of Civil Pleas, since the statute of the 21 Geo. III. c. 70, extends, first to the hearing and determining of all manner of actions against the inhabitants of Calcutta; and on account chiefly of the innumerable difficulties which British persons would have to encounter in pursuing their claims in the Country Courts, this term "inhabitants" has been always understood to have been intended by the Parliament to comprise all who have dwelling-houses and carry on trade in Calcutta. Secondly, the Court has jurisdiction over all actions of a transitory nature, and all of a local nature, of which the cause arises in Bengal, Behar or Orissa, against any subject of the King residing in Bengal, Behar or Orissa, at the time of the cause of action accruing or action brought; or any person residing there, who shall have agreed in writing to submit the matter, in case of dispute, to the Supreme Court; and without any agreement, against any person in the service of the Company or of a British subject, for any wrong or injury: but the whole of this jurisdiction is subjected to the exception, that the Court is not to interfere in any matter arising out of the collection of the revenue; and the term "subjects of the King" is certainly now to be construed with a reference to the considerations before mentioned, and to the provisions in the statute of 21 Geo. III. c. 70, by which it was declared that the Mahomedans and Hindoos in the provinces were to have their own laws, and that there were Courts for the administration of them in civil cases, from which the appeal lay to the Governor General in Council. The jurisdiction of the Supreme Court, as a Court of Oyer and Terminer, is established, first, throughout certain places within which it operates without any distinction of person. In practice, these have for many years been considered to be contracted to the limits merely of the town of Calcutta; originally they comprised, according to the words of the statutes and charters, at least a surrounding district and all the outlying factories; and it is not free from uncertainty what they legally are now. Chinsurah in Bengal, and Penang, Singapore and Malacca, stand in this respect in a very singular predicament at present, which will be easily understood by a reference to the statutes which provided for the Dutch possessions that were ceded in 1824 being transferred to the Company; and when the fact is adverted to, that the Presidency of Prince of Wales' Island has been recently abolished by the Directors, and that the places of which it consisted have been made dependencies of Bengal; but that there is still a Charter of Justice for the Presidency uncanceled, but under which there is nobody in India now who is authorized to act. Secondly, the Court of Oyer and Terminer has a power of trying all offences committed by His Majesty's subjects, or any person employed by them, within the Presidency, or by any of His Majesty's subjects anywhere

anywhere between the Cape of Good Hope and the Straits of Magellan ; but in this instance also the term “ subjects ” it seems is to be construed with nearly the same restrictions that have been noticed in speaking of the jurisdiction as a Court of Civil Pleas, although, as it has already been observed, the Criminal Courts in the provinces are not founded upon parliamentary enactments. By the recent statute of the 9 Geo. IV. s. 7, 8, 56, 70, provisions are made, without any distinction between native and British persons, for the trial by the Supreme Courts of particular offences, whenever the offender is apprehended or found within the jurisdiction of the Court, although the offence may have been committed elsewhere. In cases of Hindus, however, the Court is forbidden by the 21 Geo. III. c. 70, s. 18, to treat as a crime anything which is done within the family of the party according to the law of caste ; and the same statute, by the 8th section, seems to prohibit the Court, in its capacity of a Court of Criminal Justice, no less than as a Court of Pleas, from having any jurisdiction as to anything done in the collection of the revenue, according to usage or to the regulations of the Governor General in Council. It is not necessary to state over again the powers which are to be exercised by the Court in assistance of the superior Courts in England, or of proceedings in Parliament ; but we wish them to be borne in mind, more especially for the purpose of showing the necessity which there is, if these duties are required from the Court, that its process for the procuring of witnesses and other purposes should be effectual in all parts of the provinces. This necessity indeed is found equally in the exercise of its jurisdiction as a Court of Pleas and a Court of Oyer and Terminer ; and without a power to take lands, as well as the persons and goods, of those who are liable to be sued in the Court, its judgments in many cases would require to be aided by the Government or the Courts established in the provinces ; and to make that aid effectual, it must not be precarious, but a matter of right. These observations, however, are applicable chiefly to the supposition of the Court continuing as at present constituted, and would require modification if the alterations recommended in the latter part of this letter should be thought deserving of alteration. There are other statutes, however, of later dates than those already mentioned, which have created additional occasions for the exercise of the powers of the Court in the provinces ; as, for instance, in taking evidence upon divorce bills in the House of Lords ; and the 26th Geo. III. c. 57, presents cases in which the Court would have to enforce in any part of the Presidency, by exchequer process, the execution of judgments obtained in England. In addition also to these branches of jurisdiction, though it is necessary to abstain from stating them at length, it must not be forgotten that the Court has extensive powers, which must be exercised in the provinces as incident to its other jurisdictions, especially that of a Court of Equity, and that of a Court for the relief of Insolvent Debtors.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

27. Such, as far as we can conveniently state it in this letter, we conceive to be at present the power and jurisdiction of the Court according to law. We have next to advert to various circumstances which in some respects obscure, in others impede its powers, and in many make it doubtful whether the exercise of them be productive of good or evil.

28. It is obvious that the jurisdiction, as it exists, is essentially of a very peculiar character, and that many difficulties are inseparably connected with it. It is an exclusive personal jurisdiction as to a particular class, thinly scattered over a wide extent of country, amongst a dense population, who are considered to be themselves, for the most part, exempt from the jurisdiction, and to live under a very different system of law. In every part of these territories, nevertheless, the process of the Court must be enforced, and even lands must occasionally be seized and divided, or sold, although there is an absolute prohibition against the jurisdiction being exercised in any matter of revenue, which revenue is in fact a share, and a very large one, in every parcel of land throughout the Presidency.

29. These difficulties are aggravated by an obscurity which has been permitted to hang about the relations in which the Indian territories and the Company stand to the Crown and Parliament. Our own view is plainly and simply that the bulk of the Indian territories must be considered as having been annexed by conquest and cession to the Crown of the United Kingdom, but subject, of course, to the observance of all treaties, capitulations and agreements, according to the real intent and meaning of them, which have attended any cessions, and which still continue in force : that to a certain extent British law has been introduced ; but

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

that, on the other hand, a very large portion of the old laws of the country have been left standing, but under the administration of British persons, the leading distinction being, that British law and British Courts have been introduced for British persons, and Mahomedan Courts and law permitted to remain for Mahomedan and Hindu persons; and these laws and Courts have been subsequently modified by certain legislative or regulating power, which itself also was a continuation of the old legislative powers of the native Governments, though it has been to a certain extent recognised and modified by Parliament. The sovereignty of the Crown of the United Kingdom we hold to be fully established throughout the provinces annexed to the Presidencies; and as an incident of the sovereignty, that the King-in Council has in some cases the actual exercise, and in all the right of deciding upon appeals in the last resort, and of superintending the administration of justice: that the Imperial Parliament has as absolute a right of legislating for all purposes as in the United Kingdom itself; but that the East India Company, being from a long train of circumstances the most convenient depository and organ of the powers which it is necessary to exercise upon the spot, have had the Government principally entrusted to them; and being thus put in the place of those parts of the old Government by which the ancient and still subsisting laws and legislation of the country were wont formerly to be carried on, they exercise, through Governors in Council and their officers, not only the functions distinctly assigned to them by the Crown and Parliament, but some powers also in the administration of justice and in legislation, which, as we have already explained, are not, strictly speaking, derived from Parliament or the Crown, but are portions of the old institutions, which have been permitted by the Crown and Parliament to continue, and have been by Parliament entrusted, for limited periods, to the management of the Company, and recognised as subsisting in their hands. It is only upon this point that we believe any positive difference of opinion exists as to the nature and relations of the Indian Government, and we would fain believe that this is rather verbal than real, and subsists only through misapprehension. In adverting to it, we are anxious to guard against the supposition of our having encountered any difficulty from its being entertained, or even of our knowing it to be entertained, by any of those with whom our duties have brought us into intercourse. But amongst those who have treated of the rights of the Company, some certainly speak of the Company as having "*succeeded*" to these powers of the old native Governments, and seem to found a certain claim of right upon this notion of succession; whereas we conceive that, although to a certain extent the Company does hold the place of the old Governments, it is not by any succession as distinguished from acquisition, but that having been the instruments and agents of conquest, or the means through which cessions have been obtained, and having come into possession in that way, they have been permitted to retain it for a certain term by the enactments of Parliament. We may perhaps be in error in supposing that any consequence is attached to this distinction; the subject, however, has been so little brought forward, that the circumstance of the Crown and Parliament having exercised little or no control over some parts of these judicial and legislative powers, has been followed by an indistinctness of apprehension as to the real nature of them. The President and Board will remember, that it has heretofore been made a question, whether the Company had not what has been called, in terms not very easy to be understood, a delegated sovereignty; at other times it has been alleged that the Mogul Emperor still retained a formal and nominal sovereignty; some have suggested doubts whether the continuing possession of the Company, notwithstanding its being a creation of the British Crown and Parliament, is not a proof that the Indian territories have never yet been reduced into possession by the British Crown. It cannot be necessary to show in detail that any doubts, wherever they may exist, or by whomsoever they may have been stated, upon such points as these, must be a source of embarrassment to Judges, who have to issue process and execute judgment in the King's name in all parts of the provinces; who may at any time be called upon to ascertain the rights in India, not only of British persons, but of the subjects of the Christian Powers in amity with the British Crown; and who in law are supposed to have the control throughout all parts of the Presidency of the Commission of the Peace. Questions arising out of the most important statutes, such as the Navigation and Registry Acts, the Mutiny Acts, and others, exist in an undecided state, and are scarcely prevented, but by management, from being brought forward for decision, which, whenever it is called for, must turn mainly upon the species of relation in which the Indian territories stand to the

United

United Kingdom. Some of the most important regulations of the Indian Governments have been made without the direct or express authority of Parliament, and are most easily justified as being the exercise of the old legislative powers of the former Governments, not superseded, and therefore continuing to subsist. Many of the regulations about 1793 were of this description. The imposition of taxes in the provinces is perhaps an instance; and it is a power which might come to be a subject of serious discussion, and if British persons were to be admitted to hold lands throughout India, of vital importance.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

30. An offspring of the uncertainty alluded to in the last section, is the peculiar use which has been affixed to the terms "British subjects" in the Statutes and Charters relating to India; a source of difficulties to the Court which daily increases. The corruption of the legal signification of these important terms seems to have originated in the difficulty which was felt in getting over the provisions of the 13 Geo. III. c. 63, and of the Charter of Justice, by which the English laws were, in words, extended in these provinces to all His Majesty's subjects. The Directors, in their letter of the 19th November 1777 to Lord Weymouth, asserted that the natives were not British subjects: but notwithstanding all the difficulties of the times, and that the Ministers were pressed by the calamities of the American war, this point was not acknowledged, even in the statute of 21 Geo. III. c. 70; though expressions and clauses were allowed to be introduced in the statute, from which the result has been that it is impossible to say who were and who were not meant to be designated by those terms. Subsequently, as the British Government in India proceeded in organizing the judicial system for the provinces, including Criminal Courts, it became necessary that they should describe the natives as subjects at least of the British Government, and as owing allegiance to it. Under all these circumstances, if the question had been mooted in any English court of law, there would have been some difficulty in maintaining that the natives did not at any rate fall under the terms "subjects of His Majesty," whenever these words occurred in statutes relating to India. A direct decision upon that question, however, has been avoided; and to meet the difficulty, and with a view perhaps to other consequences, a distinction has been set up between "British subjects" and "subjects of the British Government;" and it is maintained, that generally where the term "subjects" occurs in the Indian statutes, it means "British subjects," and does not include those who are only subjects of the British Government. There is no stable nor sufficient foundation provided for this construction at present; for whatever restrictions the Parliament may think it right at any time to put upon their rights as subjects, it is certain that if the case of the Post Nati of Scotland, and that of *Campbell v. Hall*, are of any authority, and if the Indian provinces have become British dominions, all who are born within them are British subjects according to English common law, even though the Indian territories should be so far a distinct realm as to have a separate but subordinate right of legislation, and of holding Courts for the administration of justice. The distinction between British subjects and subjects of the British Governments in India has never, we believe, been formally declared in any Act of Parliament, but depends upon an ill-defined supposition of the continuance of the Mahomedan laws, and upon inferences to be drawn from the use of the terms "British subjects" in several statutes and charters relating to India, especially the 21 Geo. III. c. 70, and the Charters of the Madras and Bombay Courts, and upon a fluctuating usage; so that it is quite impossible to say, with any just confidence, who they are who belong to the one class, and who to the other. It seems to be agreed indeed that the terms "British subjects," as they must necessarily include all persons born in Great Britain, or whose fathers or paternal grandfather have been born there, so they do not include any Mahomedan or Hindu natives of the Indian provinces, who are not inhabitants or natives of Calcutta, Madras or Bombay, or any other place distinctly recognized as a British settlement or factory: but between these two extremes there are many doubtful classes. Even the Irish would not necessarily fall under the terms "British subjects," as used in 21 Geo. III. c. 70, s. 10. It is understood that the lawyers of the East India Company have affirmed that persons born in the British colonies are not, according to the use of the term in the Indian statutes, "British subjects," by reason of their birth-place, nor unless they are descended from a British-born father or paternal grandfather. The natives of Jersey, Guernsey and Alderney, have not so strong a claim as these Christian persons born in Calcutta, Madras and Bombay, but not resident there; and Hindus and Mahomedans, under similar circumstances, are liable to still more

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

cogent doubts. Do either Hindus and Mahomedans, or Indian Christians, born in the provinces, or Christian foreigners, become temporarily British subjects while domiciled in Calcutta, Madras or Bombay, so that for offences committed beyond the boundaries they would still be amenable only to the Supreme Court? Are the native Christians, or the subjects of Christian princes in amity with the Crown, who may reside in the provinces, to be classed with the Mahomedans and Hindus, or with British subjects? What is the effect of the subsisting treaties with France or other Christian States, in this respect? These and many similar questions do every now and then arise, and it is only by perpetual contrivance that they are prevented from becoming more troublesome. The Statutes and Charters relating to India present various applications of the terms in question; and in several important instances the term "subjects" is used by itself, and it is mere speculation and controversy whether the adjunct "British" is to be understood or not. These distinctions are the more perplexing, because the continuance of the Nizamut, which afforded some sort of explanation of them in Bengal, Behar and Orissa, cannot be alleged in respect to other parts of India, many of which have come under the sovereignty of the British Crown without leaving even a shadow of any former sovereignty lingering behind, and by a course of circumstances which present no alternative but that persons born there must be subjects of His Majesty in right of the British Crown, or subjects of nobody at all.

31. The circumstance which perhaps more than any other has contributed to make the jurisdiction of the Supreme Court inconvenient, and which is always brought forward as marking its unfitness for the duties assigned to it, is not a vice of its original constitution, but the improvident addition to its jurisdiction of all the immense territories which have been subsequently added to the Presidency of Fort William. It was not perhaps impossible that the Court might have been made competent to exercise an effectual and salutary jurisdiction throughout all Bengal, Behar and Orissa, which comprise the whole space to which its powers at first extended; but it never could have been made convenient by any ingenuity of legislation, that its powers of original jurisdiction should be exercised even as to British persons throughout the present Presidency of Bengal, of which some parts are a thousand miles distant from it, and where the means of communication are not to be supposed the same as in England; and as there has been an inclination rather to compress the powers of the Court, than to develope and assist them, it may easily be conceived that when called into exercise in a weak and shackled state, in so vast an area, they are at once ridiculously impotent, and yet very much in the way.

32. It appears to us to be matter for regret that there has never been any plan avowed and distinctly laid down for the gradual assimilation and union of the two systems, which it was necessary at first, and to a great extent is still necessary to maintain, for the British and the natives respectively. In 1773 there seems to have been at most only a temporary obligation to preserve any of the Mahomedan forms of government, and they have by degrees been almost obliterated, but what has come in place of them rests partly on the old basis, and there are still two systems, scarcely less adverse than at first, working with discordant action in the same space. Nothing would be more unreasonable than to attempt to impose upon India generally the British laws as they exist in the United Kingdom, or even in Calcutta; but we are confident that before this time, if there had been a hearty co-operation of all parts of the Indian Governments, one uniform system, not English, yet not adverse to the constitution of the United Kingdom, might have been established in some provinces, to which both British persons and natives might have accommodated themselves, and which would have been fitted at future opportunities to be extended to other districts. This would have been done if the whole legislative and judicial powers of Government had been under one control: but this has never been the case. The regulations of the Government for the provinces, and civil causes tried in the Provincial Courts, where the matter in dispute is of a certain value, are nominally subjected to the control of the King in Council, as much as regulations which are registered in the Supreme Court, or causes heard there; but it is scarcely more than in name that this exists; and with the exception of a few appeals in civil cases, it may be said that the legislative and judicial functions of the Indian Governments in the provinces, extensive and active as they are, are exercised under no other control than that of the Directors and the Commissioners for the Affairs of India, whilst the administration of law for British persons in India is in theory independent both of the Indian Governments, the Directors and the Board,

Board, and British subjects who choose to abide at the seats of Government cannot be directly subjected to any legislation but that of Parliament, or regulations registered in the Supreme Courts. In these circumstances it has naturally been the inclination of those who have the principal influence in Indian affairs, to build separately upon the foundations of that system which is most subjected to themselves, and as it were belongs to them, rather than to bring the remains of the old institutions of the country into any subordination to Courts established upon the basis of Parliamentary enactments, and in many respects certainly ill adapted to the circumstances of the country. Thus two principles of government have been maintained in a sort of struggle with each other, which thwarts and weakens each, and is not in any way advantageous to either. If one of them was to prevail, even to the exclusion of the other, the result must be an interference of the Imperial Legislature to reduce the Indian territories to their true relation with the United Kingdom, that of distinct but entirely dependent dominions, with peculiar though not adverse laws, separate, but entirely subordinate powers of internal legislation, and an administration of justice always liable in all its branches, if not actually subject to the superintendence and control of the King in Council, or some other Courts of the United Kingdom, or at least of some Court constituted by the Crown. Why should not the most convenient district that can be named in these vast territories be set apart for the purpose of forming upon this basis one harmonious system, suited to all classes of persons, and compounded of the two jarring ones which at present divide the people, debilitate the administration of justice, and harass the Government. It has been said, that this is only selecting a part of the mass for the purpose of making experiments upon it; but as every body seems to be agreed that something must be done, we suppose they mean that some experiments must be made, and we seem to differ from those who are adverse to the selection of one province, principally in this respect, that we think it wiser to attempt the introduction of a better system upon a small scale at first, and in that place only, where all the force of Government may be most readily applied in its support, and where its progress will be most immediately subjected to the presence and inspection of those who must direct it.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

33. The next head of difficulties is one of which we feel considerable difficulty in speaking. But our motives and the necessity of exhibiting the whole of the case, must be our excuse for saying that some of the inconvenience to which the Court is subjected, and some of which it is the apparent cause, are attributable to the imperfections of the Acts of Parliament and Letters Patent, under which it has to act, or by which it is affected. It would seem as if either from the intricacy of the subject, or an apprehension that difficulties would be encountered in Parliament when modifications of the powers of the Supreme Court have been desired, they have been sought not by positive and plain enactment, but by the introduction of something in an Act or Charter, which without being likely to excite too much discussion at the time, might nevertheless be available afterwards, as showing an intention on the part of the legislating power to make the required provision. Nothing can be more vague in most respects than the important statute of 21 Geo. III. c. 70, it provided that persons should not be subject to the jurisdiction of the Court for this or for that reason, but left it nearly as open to argument as it was before, whether all those must not be held liable who could be shown to be subjects of His Majesty; it left in the hands of the Government powers of general legislation, and of life and death, which it did not notice, while it specifically imparted to them limited powers of making regulations, and inflicting in certain cases punishment short of death. It employed the terms "British subjects," and "European British subjects" in such a manner, that it is impossible to say what was really meant by them: it expressly left to the Supreme Court the determination of all suits respecting the lands of certain classes of the natives, yet forbade it to interfere in matters connected with the revenue, which is a part of all lands throughout all India; and finally, it made certain provisions for registration, which were palpably impracticable from the first, and were scarcely attempted to be carried into execution. We would rather not go through the invidious task of pointing out the indirect and inconclusive, but not therefore inefficient provisions of later statutes; but we can scarcely avoid to notice some of the variations which have been made in the Charters of the Supreme Courts at Madras and Bombay, and the doubts and difficulty which arise out of them. The Acts of Parliament which directed the issuing of these Letter Patent, provided that they

V .
Legislative
Councils;
Courts of Justice;
Code of Laws.

should confer the same powers on the new Courts as those which were possessed by the Court at Fort William; but notwithstanding this, the powers granted are very materially different. To pass over the differences as to the appointment of Sheriffs, and the admission of barristers and attornies, it will be found, that in the definition of the jurisdiction of the more recent Courts, their powers are generally restricted to such persons as have heretofore been described and distinguished by the appellation of "British subjects," whereas, as it would have seemed to us the powers which the Justices and the Court were to possess in the provinces as Conservators of the Peace, and as presiding over the commission of the peace, whether the criterion of their extent was to be the extent of those granted to the Court at Fort William, or the possibility of their being used to any good purpose must be exercised, if exercised at all, without distinction of persons. Again, the Bombay Court is prohibited from interfering in any matter concerning the Revenue even within the town of Bombay, which is directly opposed to the 53 Geo. III. c. 155, ss. 99, 100. Then all natives are exempted from appearing in the Courts at Madras and Bombay, unless the circumstances be altogether such as that they might be compelled to appear in the same manner in what is called a Native Court. This would for many purposes place the Court entirely at the disposal of the Government, who regulate the usages of the Country Courts as they please; and whether any suit arising beyond the limits of the towns of Madras and Bombay, should be determined at all, or whether any offence committed there should be punished by the Court, or whether it should be able to collect evidence in aid of any proceedings in England, would come to depend entirely upon the pleasure of the Government. Whether this would be right or not, is not the question; it is inconsistent with the duties assigned to the Courts by statute. In the clause which purports to define the Admiralty jurisdiction of the Courts at Bombay in criminal cases, its powers are restricted to such persons as would be amenable to it in its ordinary jurisdiction, which is again at variance with the 53 Geo III. c. 155, s. 110; if it is to be understood from this passage in the Charter that the jurisdiction was meant to be limited to such persons as have been described as British subjects; but it is not very clear what is to be understood by ordinary, as opposed to any extraordinary jurisdiction of the Court. This indeed is another species of the defects which we are noticing, namely, that limitations of the jurisdiction have been thus introduced by allusion rather than plain declaration. In one way or another, sometimes by the mention of some qualification of the powers of the Court occurring in an Act or Charter, which has been afterwards insisted upon as a recognition; sometimes by a vague recognition of counter institutions which have been already set on foot without any express authority, and which afterwards, upon the strength of the recognition, are amplified and extended; sometimes by the jurisdiction of the Supreme Court being stated in such a way as to leave it to be inferred that the *expressio unius* is the *exclusio alterius*; sometimes by provisions which, to persons unacquainted with India, may have appeared to be of little consequence, but which in reality involve a great deal; sometimes when Parliament has provided that new Courts should be established upon the same footing as the old one, by something being accidentally mixed up with the constitutions of the new Courts which is essentially different from the old, and would be destructive of their efficiency: in some or all of these ways, the Supreme Courts have come to stand at last in circumstances in which it is a very hard matter to say what are their rights, their duties or their use.

34. Though we attribute the principal imperfections and inconvenience of the Supreme Court to the sources which we have described, we have already intimated that there were inherent and almost insuperable difficulties connected with its original constitution, and the circumstances with which it has always had to deal; and we by no means intend to assert that there have never been any faults on the part of those by whom the business of it has been conducted. The application of the forms of British law to the settlement of differences amongst the Hindus and Mahomedans, even of Calcutta, is full of difficulty. The Hindu laws especially are one of those ancient systems which the history of the world shows to have existed, in a certain stage of society, all over Asia and a great part of Europe, and of which the main spring was the influence of the priesthood. When this is removed, and laws, which were calculated to be enforced by persuasion, by sacerdotal influence, or religious awe, have to be exercised by means of English Courts and lawyers, and the legal process of writs of execution, it is scarcely possible that the machinery should

should work well. This remark is peculiarly applicable to the family quarrels of the Hindus; but the inconvenience, great as it is, seems to be necessarily connected for a time with the marvellous position in which England is placed in relation to India. The ordinary state of a Hindu family in respect of property is that of coparcenary between all the males, but any one member has a right to claim a partition. Upon the death of a Mahomedan, his property, including land, is shared amongst his relations, according to peculiar rules, which make it necessary for the purpose of calculation, to subdivide it into minute portions. The mode of settling all cases of this kind in the Supreme Court is by suits in equity, and it may easily be imagined that trouble, expense and delay must attend such proceedings, in which innumerable papers and accounts of many years' standing, in three or four languages, must be produced, translated, given in evidence and investigated, and in which, after all the other difficulties have been overcome, the decrees of the Court, including partitions of interests in land, and consequently the inspection, admeasurement, valuation and allotment of the lands, are to be carried into execution by the European Officers of the Court in the provinces, where the uncertain interests of many parties not included in the suit are involved in the same parcels of land, where the Court is prohibited from interfering in any way with a revenue which is intimately and inextricably mixed up with every piece of land, and where the Court is also regarded somewhat in the light of an intruder, or at best a necessary evil, by the civil servants of the Government by whom the provinces are managed. Add to this, that when once dissension has arisen in a native family, nothing can exceed the perverseness with which their disputes are carried on. The object is not to obtain their rights, but to ruin each other. Sometimes they will make a truce for years, and then revive their contentions with fresh zeal. At all times they are represented to be difficult to deal with as clients, and from understanding imperfectly the proceedings of an English Court, to be obstinate and suspicious. Besides, it cannot be expected that any class of the professional persons by whom the business of the Court is to be conducted should, in general, be quite equal, in all desirable qualifications, to those who exercise corresponding functions at home. We make no exception in this remark, even of the highest offices; but we have in view principally the conduct and management of suits under circumstances which are much more difficult, and much more opposed to an accurate and beneficial exercise of the legal profession, than any that occur at home. In almost all suits for partition amongst native families there is another and monstrous difficulty, from the Court having to regulate the disposition of large funds appropriated to the superstitious uses of their religions. Again, some of the longest, most intricate and expensive suits in the Court have been occasioned by the charitable or religious bequests of Christians of various sects. In some of these the Supreme Courts have been called upon to apply money to the benefit of Roman Catholic Establishments at Goa, in others to Greek or Armenian Churches on Mount Lebanon. A commission has been prayed to inspect the records of the Vatican. One highly important case, which long has been and still is before the Court at Fort William, and which, there is little doubt, will ultimately come before the King in Council, presents the following circumstances: A Frenchman by birth, professing no religion but Deism, and who had for some time resided, and at last died at a very advanced age, in the territory of Oude, which is, according to treaty, the dominion of an independent Mahomedan King, leaves great wealth, a part of which is in land. Some of the property, at the time of the death, is within the Kingdom of Oude, and some within the Presidency of Bengal, and some is vested in the public securities of the British Government. By his will he bequeaths legacies to relations in France, and gives pensions for life to a set of native concubines and servants in Oude; makes large charitable bequests to the city of Calcutta, and the city of Lyons in France, involving the establishment of public schools; and directs also the establishment of what he calls a college, but which is to be connected with a sort of caravanserai, where his tomb is to be kept lighted and watched, in the Foreign and Mahomedan capital of Lucknow; and, after providing for all these, there is likely to be a residue, to which, when they can be found out, the next of kin of a man who had left France in a state of poverty sixty years before, and who had no kindred in India, are entitled; and there is landed property in Calcutta to which his heir-at-law, when discovered, may have a claim; and this heir, according to the English law, is not one of the next of kin, who are only of the half blood. The case is not brought into the Court until the assets have been many years in the hands of a mercantile firm, and are involved in a maze of accounts; once brought

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

before it, however, the Court cannot decline to proceed, yet is only enabled to proceed in respect of the public charities, at the instance of the Advocate General of the Company, whose official relations are, in some respects, calculated to retard his motions. When such circumstances may occur, and when it is recollected that the Court has no less than seven jurisdictions combined, as a Court of King's Bench, a Court of Civil Pleas, a Court of Oyer and Terminer, a Court of Admiralty, a Court of Equity, an Ecclesiastical Court, and a Court for the Relief of Insolvent Debtors, it will not perhaps be thought very surprising if complaints against it should sometimes arise out of the suitors' disputes. Except, however, in equity cases, there is no ground for any complaint of tediousness in the determination of suits; nor even in equity is the delay to be ascribed to the fault of the officers of the Court. There are no arrears in the Court in any of its departments, and there scarcely ever have been any. The heaviness of the costs in some equity suits, we have no doubt, is a great evil, though perhaps not greater than in England; and it will not be found to arise so much out of any particular fees, as from the misconduct or miscarriage of the equity suits, attributable, in a great degree, to the difficulties which we have noticed, but arising partly no doubt, in some cases, from the inattention or unskilfulness of professional men, and still more perhaps from the waywardness and unmanageable character of the native clients. If we were called upon to devise a remedy for such evils, upon the supposition of the continuance of the present constitution and jurisdiction of the Court, we do not know that we could suggest any other than a reform of the system of equity pleading, a settlement of all bills of costs at stated periods of the year, by the Judges themselves, accompanied by a judicial inquiry into the conduct of each suit, and a division of labour and allotment of business amongst the Judges, by which a more rigid discipline, if we may use the expression, in the conduct of the whole business of the Court might be enforced.

35. We have now, however, in pursuance of the wish expressed in your letter, to submit to the consideration of the President and Board some larger views of the arrangements which, in our opinion, would best conduce to the attainment of the objects for which the Supreme Court was constituted. If we should appear to bring forward any considerations which may be thought to belong rather to general policy than to law, we trust it will be perceived that this is not done to any greater extent than is necessary for the purpose of explaining the remedies which seem to us to be required for the evils that have been adverted to in the former part of this letter, and are strictly a part of the subject respecting which we are called upon to speak. We are sensible, however, that we run the risk of suggesting what may be at variance with views already formed, or with transcendent considerations of general policy, of which we have no information. This is a disadvantage for which we have no other help than to beg that what we offer may be received as it is offered, in the light of very humble suggestions, tendered with much distrust of our own judgments, and with no other desire than to assist His Majesty's Ministers, as far as we can, in arriving at just conclusions of what is best to be done. Our observations are made upon the supposition that India will remain under the government of the Company, subject to the control and regulation of the Crown and Parliament in all affairs of government, whether executive, judicial or legislative.

36. It appears to us to be desirable that all the territories which are permanently annexed to any of the three Presidencies, and in which justice is administered and the Revenue is collected by officers of the British Government, should be declared, in the most unambiguous manner, to be dominions of the Crown of the United Kingdom; that all persons born within the same are subjects of that Crown, owe allegiance to it, and are entitled to protection from it; and that all persons residing there owe that temporary allegiance which would be due from them, if resident in any other dominions of the Crown. But this, perhaps, is a step which would not be taken by the British Parliament, if it were to be considered as securing to the countless population of India the rights of natural born British subjects. If the legislature should not be satisfied by that exclusion from certain rights, to which all the unchristian natives would be subject, as the law now stands, it might be necessary to enact, that the natives of the British territories in India shall not, by reason merely of their birth-place, be entitled, when resident within the United Kingdom, or any of the dominions of the United Kingdom other than the Indian territories, to any rights or privileges as subjects, beyond what would be allowed to the subjects of friendly foreign states, and that they shall be distinguished by the name of Indian subjects

subjects of the Crown of the United Kingdom, with a proviso, that all persons born in India, whose fathers or paternal grandfathers shall have been British subjects, and all other persons who, according to law, would be natural born British subjects, if born in any foreign state, shall equally be natural born British subjects, if born within the British territories in India. If such provisions would have the effect of depriving any classes of the Indian natives of rights to which they may at present be entitled as natural born British subjects, the distinct acknowledgment of their being at least subjects, and entitled to protection, and the foundation which would be laid by the provisions hereinafter mentioned for their enjoyment, in a part of India, of legal rights, would appear to us to be more than an adequate compensation for anything which could be justly said to be taken away.

37. That a certain district round Calcutta should be distinguished by the name of the Province of Calcutta, and that for the government of this district there should be, to a certain extent, a separation of the executive, judicial and legislative powers, by means of a Legislative Council, and a Court of Appeal or Council of Judicature being added to the existing political body of the Governor General in Council. Within this province all subjects of the Crown of the United Kingdom, as well British as Indian, without any distinction, should have the right of purchasing, holding and inheriting lands, and the laws throughout that district should be rendered as inviolable, and the administration of justice as regular, and the security of person and property as perfect, as possible. We do not mean that the English laws should be established, but that, subject to certain restrictions, a system should be adapted by the Legislative Council to the whole circumstances in which the province would be placed. It seems to us that the Delta of the Ganges, or in other words, the territory lying between the western or right bank of the Bhau- giruter and Hooghly rivers, and the eastern or left bank of the main stream of the Ganges, would be a district, at present, of convenient size, and the best situated for this purpose.

38. It might be declared that all the rest of the territories of this Presidency, although they be the dominions of the Crown, and the inhabitants be subjects thereof, yet by reason of their magnitude and great population, and the various customs and habits of the people, and the intricacy of the landed tenures and other circumstances, they cannot for many years to come be adapted throughout their whole extent, to an equally regular system of government, and for these reasons the whole government of the same might be declared to be vested as before in the Governor General in Council, subject to the former restrictions and qualifications; and it might be provided, that whatever persons should choose to abide in, traverse or enter the said territories, should be to all intents and purposes liable to the laws and regulations in force there, and to the authority and powers of the Governor General in Council, in like manner as any of the Indian subjects of the Crown would be, and that neither the Supreme Court nor any of the other Courts established or to be established within the Province of Calcutta, should have any jurisdiction whatsoever, or exercise any authority, powers or process whatever, within any of the said territories, other than such as hereinafter are expressly and particularly mentioned, but that in all other cases whatsoever when it should become necessary for giving effect to any decree, judgment or order of any of the said Courts, that the lands, goods or body of any person should be seized and taken upon any mesne or final process within the said territories, it should be done by such ways and means, and in such manner and form, and according to such regulations, as should be provided for that purpose by the Governor General in Council. Upon the great question, whether British persons should be allowed to hold lands in the provinces, we should say, that if they would be contented to take the privilege upon the terms above stated, it might be granted. It seems to us that the necessity of the case requires, as to the greater part of the provinces, that the Governor General in Council must have legislative, judicial and executive powers, subject to no control but by the superior authorities in England; but if Parliament, clearly understanding and being prepared to adhere to this, should choose to put all the subjects of His Majesty, of whatsoever description, upon an equal footing in the provinces, we should not apprehend any serious danger to the State, nor any oppression of the natives, which the Government would not be able by a stern exercise of its power to restrain. But there are two things which it does appear to us to be highly desirable to guard against in any general admission of British persons to the provinces: First, that of giving rise to a delusion that

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

there are the means at present of establishing and enforcing good laws throughout all India, in such a manner that it might be advantageous to British persons to purchase landed estates throughout the provinces. Secondly, the leaving an opening and pretence for subsequent irritation and clamour on the part of British persons so admitted to the provinces, upon the ground of their not enjoying there the rights of English law. If the provinces are to be opened to them, let it be universally understood so, that no doubt may remain, nor any ground for subsequent reproach, that they go to live under a despotic and imperfect but strong government, that they carry with them no rights but such as are possessed there by the natives themselves, and that it is impossible at present to give them either that security and easy enjoyment of landed property, or those ready remedies for private wrongs which more regularly constituted governments afford. A tolerable system of criminal judicature, we believe, might even at present be established throughout the greater part of India.

39. The Supreme Court, besides being restricted from exercising within the territories lying beyond the boundaries of the province of Calcutta, any other jurisdiction than such as is hereinafter expressly mentioned, might likewise altogether cease to be a Court of original jurisdiction within that province, except in the cases hereinafter expressly and particularly mentioned, and the authority, powers and jurisdiction of the Court might thenceforth be as follows: First, that within and throughout the province of Calcutta, it should have a complete superintendence and control over all other Courts and Magistrates. Secondly, that no sentence of death by any other Courts of the province should be executed without the warrant of the Court, and that it should have an original and exclusive jurisdiction as to all those offences which, for distinction, are called offences against the State, and are of a treasonable or seditious nature, committed within the province of Calcutta. Thirdly, that it should have an original jurisdiction as a Court of Chancery, as to all conveyances or devises of land, or gifts or bequests of money for charitable or religious purposes, or other permanent public objects. Fourthly, that it should have an original Admiralty jurisdiction as to all crimes maritime punishable with death, and that the King's commission of Vice-Admiralty for the trial of prize causes should be directed to the Judges of the Court. Fifthly, that it should be, in all cases, a Court of Appeal from the Courts of the province of Calcutta. Sixthly, that it should be lawful for the Governor General, by commission, to authorize and empower any one or more of the Judges to exercise any judicial function, either original or upon appeal, or by way of inquiry, within the territories lying beyond the boundaries of the province of Calcutta, and respecting any matters arising within the same, whenever the importance and exigency of any case might require it.

40. That a Legislative Council should be established for the province of Calcutta. Our views as to the formation of such a Council have been already stated in a communication made to the Governor General in Council on the 2d of October 1829, and in a draft of the heads of a bill which we have subsequently prepared by the desire of the Government. We would only add here, that consistently with the scheme presented in our present letter, the right of legislation of the Council would be restricted to the province of Calcutta, but that it might be employed for the other territories whenever the Governor General in Council should think it expedient. We wish it also to be distinctly understood, that we should propose that the Governor General should have the right of presiding in the Legislative Council, and that nothing should be enacted, even for the province of Calcutta, without his consent; nor should we see any decisive objection against his presiding also, by appointment of the Crown, in the Council of Judicature or Court of Appeal, whichever it might be called, if it should be thought that in this way a more perfect harmony of government would be secured.

41. The first duty of the Legislative Council would be, to constitute subordinate Courts of Justice for the province of Calcutta, and until this should be done, the Supreme Court and the Country Courts must continue to exercise their respective functions. Our opinions upon this point also, of the system of Courts best adapted to India, is expressed in a paper which has already been seen by the Government, and which, at their request, is about to be submitted to them in an official form, and we would only observe here, that for the province of Calcutta we conceive that below the Court of Appeal or Council of Judicature there ought to be one

Provincial

Provincial Court held at Calcutta, about four Zillah Courts; the town of Calcutta and its suburbs constituting of itself one Zillah, and an adequate number of Pergunnah Courts; that we would make all persons, without exception, eligible as Judges and officers of the Courts, but in practice, one at least of the Judges of every Zillah Court ought always to be a natural born British subject, and in the Provincial Court all the Judges should be natural born British subjects, and one of them should be an English barrister of 10 years standing. With the exception perhaps of that one person, and of all the Judges of the Court of Appeal or Council of Judicature, who ought to be appointed by the Crown, the other Judges of all the Courts within the province of Calcutta might be appointed by the Governor General in Council. The functions of these Courts, except the Provincial Court, might be confined ordinarily to civil causes, and criminal Courts for the trial of misdemeanors and of minor felonies, might be constituted by the Zillah Courts sitting at stated periods, with the addition of the Justices of the Peace; other felonies of a worse nature would be reserved for the Provincial Court alone.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

42. The Governor General and Council, as at present constituted, would retain within the province of Calcutta all their present powers, as far as they should be consistent with the new provisions; and it ought to be declared much more plainly than it has hitherto been, that throughout the other territories they have the exercise by themselves, or through the Company's servants, of all authority executive, legislative and judicial, including the power of life and death, subject to the direction and control of the Court of Directors and Board of Commissioners, and to the supreme power of the Crown and the Imperial Parliament. The Governor General in Council, however, should also have the discretionary right of calling in aid the Legislative Council or Court of Appeal, and referring to them any matters arising in any part of the territories, and of appointing upon emergencies the members of these bodies, or any other persons, Commissioners to act in and for any part of the territories.

43. The basis and essential part of this plan is, that the two systems of law and sorts of Government, which it seems to be necessary to maintain in India, should respectively be confined to separate local limits, instead of struggling together within the same; but it is not meant that the system to be established around the seat of Government should be exclusively British, but one adapted to all the circumstances of the country, though in complete subordination to the Crown and Parliament. The plan would afford to all British persons, and to any other classes of the community who should set a value upon the protection of a regular system of law and Courts, the opportunity and means of living under it; on the other hand, it would secure the natives in the outer provinces from that annoyance which it is affirmed they have occasionally experienced from the process of British Courts; and it would preclude all collision between the two sets of Courts and systems of law. It would do away with all invidious distinctions between the different classes of inhabitants. In the province of Calcutta, all without distinction would have all the most important rights belonging to the inhabitants of a British settlement; in the other territories, all would be equally reduced to such as might be found consistent with the more despotic power which necessity should require to be maintained there. This need not be more despotic than at present it is, as to those who constitute ninety-nine hundredths of the whole population; on the contrary, let it be mitigated and regulated and improved as much as may be consistent with security; but let British persons who voluntarily place themselves under it, be as much subject to it, and in the same manner, as the rest of the people. Those who now, for the purposes of trade, connect themselves with the cultivation of land in the interior, might continue to do so; whilst, for those who should wish to settle for life in India, and to purchase durable interests in land, the province of Calcutta would present a sufficient area for several years to come; and all who are acquainted with the country will acknowledge the general advantage which would result from the increase in number of convenient places of residence for British persons even within that limited space. The most effectual defence against the Indian climate is, an accommodation of the place of residence to the season of the year; and it is a fact, not understood in England, that all India might be divided into circles of a radius of less than 200 miles, within each of which, in one direction or another, at every season of the year, a wholesome and a pleasant climate might be enjoyed. The limits of the province of Calcutta would not be so large as to make it an

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

unreasonable expectation, that throughout that district, in which already there is every where a permanent settlement of the Revenue, the Courts of Law and a Legislative Council together, might be able first to ascertain, and in some degree fix the nature of those customary interests in land, which are so great a difficulty in the way of making any property in it valuable or secure, and might provide some ready means of settling the disputes which will arise out of this sort of property as long as it subsists, and at the same time open some course by which, with the strictest regard to justice, and without any preference of the English to any other system of law, these inconvenient and barbarous forms of property, such as have at some time or other existed in almost every other country, might, as in other countries, be resolved into more convenient, simple and definite ones, to the advantage of all parties. We wish it to be clearly understood that it is not English law, but whatever law should be found best adapted to the country, that we should seek to establish, subject to certain specified exceptions and restrictions preservative of the sovereignty of the Crown and authority of Parliament. The task of preparing, establishing and conducting of a firm system of law within the province of Calcutta, might afford at least as much occupation to those who now find employment in the Supreme Court as they would lose by the alteration of its jurisdiction. The interests of religion, and the progress of moral instruction, would seem to us to be likely to be promoted by these arrangements; and the Legislative Council and Court of Appeal would constitute channels for the exercise of that control by the Crown and Parliament, within a certain district, over all legislation and administration of justice, which in some way or other must ultimately be established throughout the whole British territories, even though India should be made as distinct a portion of the British dominions as Ireland was before the Union, and gradually, as the system should be perfected within its limited range, it might be extended to other provinces.

44. We beg permission to guard ourselves against the appearance of being influenced in these recommendations, and particularly the latter part of them, by any feeling adverse to the East India Company. Many alterations heretofore have taken place in the constitution of the Company, and others no doubt will take place hereafter, but we do not foresee any circumstances in which it would not appear to us to be desirable that the main organ of government for India should be a body of Directors, resident in England, and elected by the holders of stock, representing property in India, and depending mainly for its value upon the prosperous condition of that country; and we regard with the greatest consideration and respect the interests of those by whom, under the Directors, India is for the most part actually and immediately governed. They and their connexions form as it were a large family, which has claims upon India founded in long expenditure upon it of all that is valuable in life; they only are qualified by information and experience to conduct the details of its affairs, and one of the principal points in all plans for the government of India ought to be the preservation of all their real interests, and the securing of their willing and cordial assistance.

45. In conclusion, we wish to say, that if our suggestions should be thought deserving of further consideration, we shall be happy to enter into more complete details of what has been stated in this letter in a very general and imperfect manner; nor are we so prejudiced in favour of the plan recommended by ourselves, that we should have any reluctance to give the fullest consideration to any other which may be thought preferable. We are strongly impressed however with the following conclusions: That the trade with India being irrevocably free, there must be a greater resort to Bengal of British persons than can be confined to Calcutta or its immediate neighbourhood; that there are not the means at present of establishing throughout the vast extent of this Presidency a system of law and government under which British persons resorting to India could or ought to be compelled to live, and that in these circumstances the wisest course will be to provide a sufficiently regular and liberal, and to a certain extent British system, for a well defined portion of the country, small indeed in proportion to the whole territories, but sufficient in reason for the ordinary and permanent abode of the families of those British persons whom the trade of India may bring to the country; to leave it to their own choice whether they will pass beyond the boundaries within which they have the opportunity of living and holding property under the protection of that system,

system, but to let them know distinctly that if they do make that choice, they leave their English rights behind them, and pass into another state of things which necessity requires to be differently managed.

We are, &c.

(True copy.)

(signed)

Holt Mackenzie,
Secretary to Government.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

— No. 27. —

LETTER from the Governor General in Council to the Hon. Sir *Charles Edward Grey*, Knight, Chief Justice, and the Hon. Sir *Edward Ryan*, Knight, Puisne Justice of the Supreme Court of Judicature at *Fort William*, in *Bengal*; suggesting for their consideration certain Alterations and Additions in the Bill to be intituled, “An Act for establishing Legislative Councils in the *East Indies*.”

HON. SIRS,

Fort William, 28th Sept. 1830.

WE do ourselves the honour to acknowledge the receipt of your Letter, under date the 13th instant, with its Enclosures, Nos. 1, 2, 3 and 4, and we avail ourselves of this opportunity to convey to you our acknowledgments for the obliging attention which you have shown to our suggestions.

With respect to the first mentioned document, or heads of a Bill, to be intituled “An Act for establishing Legislative Councils in the East Indies,” we take the liberty of suggesting for your consideration the propriety of introducing the alterations and additions contained in the accompanying Paper. As to the form of their introduction we are indifferent, and we should indeed feel ourselves obliged by your modifying the language of our propositions, in such manner as may seem to you advisable. But we should wish that the substance of them may be preserved as much as possible. They were not resolved upon without mature deliberation, and we could not relinquish them without apprehension that the efficiency of the system of Indian government would be thereby materially impaired.

We propose to take into our consideration, at the earliest possible period, the various and important questions discussed in the other documents, numbered 2, 3 and 4, and most fully concurring with you in the sentiment you have expressed, that “upon a subject, respecting which, from its extent and intricacy, all opinions are so liable to be misunderstood, those which are stated otherwise than plainly and fully may serve for much mischief, but can scarcely do any good.” We shall communicate to you, with perfect candour, the conclusions at which we may arrive, after having maturely weighed your valuable suggestions.

We have, &c.

(signed)

W. C. Bentinck.

W. B. Bayley.

C. J. Metcalfe.

For the words “or in the neighbourhood, and within some convenient distance of the same at such,” substitute “or at such places as may be most convenient, and at such.” CLAUSE 4.

The following addition to be made to clause 6: “Provided, however, that it shall and may be lawful for the Governor General in Council to carry on any cases in which he may consider that serious mischief to the interests of the British Government would arise from the suspension of any law, to cause the same to be carried immediately into effect, notwithstanding that the Judge or Judges may have expressed his or their belief or opinion, that such law or regulation is not within the powers vested in the Legislative Councils, by this or any subsequent Act. In all such cases, where any law or regulation may be passed on the emergency above adverted to, a written notice of the resolution to pass such law or regulation shall forthwith be transmitted by the Governor General in Council to the Judge or Judges, and such law or regulation shall thenceforward take effect and be binding, until His Majesty’s pleasure be known, any repugnancy or supposed repugnancy notwithstanding; but on all such occasions the Governor General in Council will

be required to state fully and at length the grounds of the existing emergency, and without delay to submit the same, together with all the documents that may have been recorded on the subject, through the usual channel, for the consideration of His Majesty in Council."

CLAUSE 9.

The following rules to be substituted for clause 9: "When any law or regulation shall have been resolved upon at any lawful meeting of the said Legislative Councils, and have been sent round to the resident Members for the expression of their approbation or dissent in writing; then, if the Governor General or the Governors of Fort St. George and Bombay shall think fit, they shall be competent at this stage to correct the further progress of the proposed law or regulation. If, however, the said Governor General or Governors of Fort St. George and Bombay respectively shall approve the further progress of such proposed law or regulation, notice of the general object of it shall forthwith be published in the Government Gazette, or some other newspaper of the place, and an interval of 14 days at the least shall take place, from the time of the first publication, before the Governor General shall give his final consent (excepting any case in which the Governor General in Council may be of opinion that serious mischief to the interests of the British nation would arise from the said delay of 14 days, in which case the circumstances being duly specified and recorded, the law or regulation may be passed on the emergency), and if any person or persons interested in or affected by any such law or regulation, shall petition any such Council to take into consideration his or their objections against it, at any time before the consent in writing of the Governor General of Fort William for the establishment of such law or regulation shall have been given, the Governor General or Governor or Vice President of the Presidency at which the law or regulation shall have been made, shall direct at what time and place any such person or persons shall state his or their objections, and whether by written petition only, or by counsel, or in person; and it shall be lawful for any person or persons who may be aggrieved by any such law or regulation to appeal against the same to His Majesty the King in Council, who shall have full power and authority at any time to repeal the same, but such appeal or notice thereof shall be made or given within six calendar months of the publication in India of the law or regulation which shall be the subject of appeal; provided moreover, that whenever the Governors of Madras or Bombay respectively shall object to and stop the progress of a proposed law or regulation, he shall, at the request of any Member of the Legislative Council, lay before such Council a statement of the grounds of his objections; and any Member disapproving of such grounds, may enter upon the Minutes the grounds of his disapprobation; and in all such cases of difference of opinion, the whole of the documents connected with the subject shall be submitted for the consideration and decision of the Governor General, to whom it shall be competent to confirm the rejection of the proposed law, or to lay the same before the Supreme Legislative Council, to be dealt with as if such law or regulation had been approved at the subordinate Presidency, and had been transmitted in due course to the Supreme Council for confirmation. In like manner, whenever the Governor General may object to and arrest the progress of a proposed law or regulation, which may have been resolved upon in the first instance by the Supreme Legislative Council, he shall, at the request of any Member of such Legislative Council, lay before it a statement of the grounds of his objections, and any Member disapproving of such grounds may enter upon the Minutes the grounds of his disapprobation; and in all such cases of difference of opinion, the whole of the documents connected with the subject shall be submitted for the consideration and decision of His Majesty in Council, which authority shall pass such orders as it may see fit, either for the final rejection or for the adoption of the proposed law or regulation.

"Provided also, that nothing contained in this Act shall be construed to limit or restrict the powers now legally exercised by the Governor General in Council of the Presidency of Fort William, or of the Governor in Council of the Presidencies of Fort St. George and Bombay respectively, excepting in so far as the same may relate to the making of laws and regulations."

(True copies.)

(signed)

Holt Mackenzie,

Secretary to the Government.

— No. 28. —

(No. 1246.)

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

LETTER from the Governor General in Council to the Hon. Sir *Charles E. Grey*, Knight, Chief Justice and the Hon. Sir *Edward Ryan*, Knight, Puisne Justice, of the Supreme Court of Judicature at Fort William in Bengal; communicating the sentiments of his Lordship in Council, on the Papers submitted by them relative to the formation of a Code of Laws and the establishment of a System of Courts for the *British Territories in the East Indies*.

1. WE have already had the honour of communicating to you our sentiments on the draft of a Bill, &c. which accompanied your Letter of the 13th ultimo.

2. We now proceed to state what has occurred to us on a consideration of the other important and valuable Papers with which you have favoured us; and first, as to the observations relative to the formation of a code of laws for the *British territories in the East Indies*.

3. You have justly stated the confusion which exists under the law as it now stands, in regard to the rights of various classes of persons, and on this branch of the subject we have little or nothing to add to the exposition contained in your Letter to the Secretary to the Board of Control, of the circumstances which have chiefly occasioned the difficulties and embarrassments under which all authorities engaged in the civil administration of the country equally labour. Whether, indeed, the principles ordinarily applicable to conquests by the Crown, could have been fitly applied to provinces of so vast an extent, acquired under circumstances of a very peculiar nature, partly by arms, partly by negotiation, and partly by arrangements for which it might not be easy to find a suitable designation among the stated terms of European jurists, seems to us to be very questionable; but whatever principle had been followed, we imagine that it must equally have been found impossible for the *British Parliament* to legislate for the details of the civil administration of this country, without occasioning innumerable doubts and difficulties at every step. On all sides therefore it must, we think, be manifest that the chaos which you have so forcibly and justly described, can only be reduced into order by means of a local legislature, acting of course under a complete subordination to the *Parliament of England*. And it seems to us to be not less evident, that the legislative interposition of *Parliament* ought to be confined, as far as possible, to matters affecting the general concerns of the empire; and that in respect to local details, even when it may see reason to interfere, it should proceed rather by general resolutions, to be reduced into law by the local legislature, with a full knowledge of local peculiarities, than by formal enactments binding to the letter.

4. With reference to your remarks as to the second branch of law, or the law of property, we are sorry that we cannot bring ourselves to concur in the opinion you have expressed. You suggest that one law should be established for all moveable property (as well as for matters of contract) to whatever class of persons belonging, and that the laws to be established should be the law of *England*. The only advantage you appear to anticipate from this is, the advantage of uniformity. In matters of contract it may be observed, that the principles of equity and good sense are enjoined; not those alone of the *Hindoo* and *Mahomedan* laws. On the proposition of introducing a new law, as relates to moveable property, we are of opinion that the innovation would be at once unwelcome and unnecessary. The rules of inheritance, both *Hindoo* and *Mahomedan*, by which much moveable property changes owners, are clear, simple and well defined; and the few points on which conflicting doctrines are entertained, might easily be set at rest by a declaratory enactment; cases unprovided for, or rules manifestly repugnant to justice and sound policy (if such exist), may similarly be provided for as they may occur. But any general enactment, which should sweep away at one stroke the laws of our *Hindoo* and *Moslem* subjects relative to moveable property, would, we apprehend, be the occasion of much complaint; and, as already observed, we are not aware of any evil practically experienced under the present law to call for any violent remedy. Generally, indeed, in making a code, our object would be rather to declare what

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

* the law is, than to change what is fully established, or to attempt to provide prospectively for future exigencies, unless with the view of supplying obvious defects, or of correcting evils actually experienced.

5. With these sentiments we should think it advisable to leave untouched the law relative to real property, excepting in the case of British born subjects. Considering the purposes for which these generally acquire, and are likely to acquire such property, and the expediency of avoiding all artificial obstacles to its free transfer, it seems to us that it would be convenient and advantageous, if the estates of that class were declared to be a chattel interest merely; some simple rules relative to registry and transfer, and some clear definition of the modes in which such property should pass and be required, being at the same time established. With this modification, we conceive that the English law of property, subject of course to modification from time to time by the local legislature, might be advantageously made applicable to all Christian persons. It is unnecessary now to advert particularly to the rules which may become necessary to provide for the case of persons passing from one class to another. Possibly no provision may be required in addition to that above suggested, for the application of English law to all Christian persons.

6. But some new rules relative to the execution of wills, and the administration of the estates of intestates, appear to be very urgently required, and in regard to Christian persons, the whole scheme of ecclesiastical law must be distinctly considered.

7. No objection occurs to us against the extension, as proposed by you, of the English law relating to private injuries. Already, indeed, our Courts are mainly guided by the principles of that law, and the only change needed seems to be better and fuller definitions, and such an amendment in the forms of action and process as, while it preserves to the utmost extent practicable, the simplicity that distinguishes our existing rules in this respect may better accommodate them to the various exigencies for which Courts of Law and Equity have to provide.

8. We have great satisfaction in expressing our entire concurrence in the concluding observation of the Paper now referred to, as to that branch of the law which relates to public wrongs. We are satisfied that a penal code such as you describe, might without difficulty be prepared; but even in this matter we are equally convinced of the advantage of a local council over a distant legislature, to which many things, very important to be considered in adjusting the scale and determining the nature of punishments, cannot be familiarly present.

9. We have now to advert to a very important question, on which we regret to find ourselves compelled to dissent from the views which you entertain. We mean the separation of a certain tract of country for the introduction of a new code and judiciary system. Against this arrangement, many and grave objections occur to us.

10. The principle on which the suggestion is founded appears to require that, as proposed by you, an inconsiderable portion only of the territories subordinate to this Presidency, should be included within the tract to be set apart for special laws and a peculiar system of administration. And howsoever therefore the limits might be adjusted, the same, or nearly similar results must we apprehend, follow, as are to be anticipated on the supposition that your recommendation for confining it to the Delta of the Ganges, were adopted. Now, what would be the position in which we should then place the government of the country? The districts in question (supposing that to the west Moorshedabad, and eastward Decca Jelal-

* Moorshedabad	-	-	-	-	763,000
Nuddea	-	-	-	-	1,187,000
24 Pergaunahs, Suburbs and City	-	-	-	-	1,225,000 (a)
Jessore	-	-	-	-	1,184,000
Dacca Jelalpore	-	-	-	-	588,000
					4,947,000

(a) The Christian population of Calcutta was rated in the Census of 1822 at 13,183.

staples of the country, indigo. Their population * may be estimated at about 5,000,000, and the European residents (exclusive of Calcutta), are stated in the latest Report of the Superintendent of Police at 160 only. Unquestionably it is an object of no ordinary importance to provide good laws, and an establishment that would well administer justice for so numerous a people. But we should greatly lament to see that object pursued in any manner that would indicate, or afford the slightest ground for the insinuation, that the remaining vast, populous and wealthy provinces subordinate

to this Presidency, many of which we have now possessed for about 70 years, were wilfully and deliberately to be left subject, for an indefinite period, to a scheme of laws and judiciary system which it would be thought unjust to apply to a comparatively inconsiderable body of our countrymen. It would be repugnant to our feelings, it could scarcely fail to shock the public sentiment, to pronounce such a sentence of virtual outlawry on the great majority of our native subjects even for a single day, and if the general system prevailing in the interior of the country were of that defective character which the proposed measure would indicate, it is the obvious and bounden duty of our Government to proceed forthwith to the work of reform, and to avoid carefully every measure that might tend to raise artificial obstacles to its progress.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

11. The neighbouring districts of Beerbhoom, Jungle Mehals, Burdwan, Hooghly and Midnapore are stated to contain a considerably larger population than the tract you have indicated. If we exclude the city of Calcutta and the suburbs, they will be found, we believe, to possess a larger mass of wealth, and to present a greater value of property for adjudication in the Courts. In all of them there are several European residents. They present opportunities for the successful application of European skill that are not to be found within the Delta of the Ganges, possessing valuable coal mines, abounding in iron ore, and producing a very large supply of sugar, of which little or nothing is produced within the districts of the Delta. Probably, indeed, it was not your intention strictly to adhere to the line of demarcation specified, since not to mention the collieries of Burdwan, the property of British born subjects, it would exclude the populous suburbs on the opposite side of the river, and the very important establishment at Fort Gloucester, and several zemindarees and indigo concerns will, we believe, be found to extend to both sides of the Great River and of the Bhageruttee. But, as already observed, whatever limits we take, consistently with the principle on which the scheme must be made to rest, equal difficulties pursue us. They would not indeed be obviated by including in the scheme the entire province of Bengal. The obligation of providing for the pure and prompt administration of good laws is not less urgent and indispensable in the provinces of Behar and Benares than in the immediate vicinity of Calcutta. Each of those provinces contain a very large population, with a greater share of wealth, intelligence and spirit than is to be found in the Lower Provinces beyond the limits of the city and its suburbs. They are not less entitled to the benefit of equal laws well administered, than any other portion of our subjects, they are probably more capable of appreciating good government. They are certainly much more likely to resent misgovernment than the people of Bengal. There would therefore

	Population.
Beerbhoom - - - - -	1,267,000
Jungle Mehals - - - - -	1,305,000
Burdwan - - - - -	1,188,000
Hooghly - - - - -	1,239,000
Midnapore - - - - -	1,914,000
	6,913,000

	Property at Stake in the Zillah and Subordinate Courts, 31 Dec. 1828.	Property adjudged by the Zillah and Subordinate Courts.
Moorshedabad - - - - -	549,000	224,000
Nuddea - - - - -	383,000	147,000
24 Pergunnahs and Suburbs - - - - -	572,000	274,000
Jessore - - - - -	579,000	117,000
Dacca Jelalpoore - - - - -	165,000	74,000
Total - - - - -	2,248,000	836,000
Beerbhoom - - - - -	250,000	124,000
Jungle Mehals - - - - -	577,000	214,000
Burdwan - - - - -	499,000	247,000
Hooghly - - - - -	392,000	345,000
Midnapore - - - - -	436,000	127,000
Total - - - - -	2,154,000	1,057,000

	Estimated Population.	Property at Stake in the Zillah Courts, 1828.	Property adjudged, &c., 1828.
ZILLAHS OF BEHAR:			
Sarun - - - - -	1,464,000	544,000	178,000
Shahabad - - - - -	909,000	571,000	74,000
Patna - - - - -	256,000	532,000	225,000
Behar, exclusive of Ramghur - - - - -	1,341,000	947,000	138,000
Terhoot - - - - -	1,698,000	1,307,000	354,000
Total - - - - -	5,668,000	3,901,000	969,000
ZILLAHS OF BENARES:			
Benares - - - - -	500,000	529,000	440,000
Ghazeepore - - - - -	- - - - -	468,000	251,000
Juanpore - - - - -	3,170,000	467,000	147,000
Mirzapore - - - - -	- - - - -	383,000	203,000
Goruckpore - - - - -	1,989,000	820,000	190,000
Total - - - - -	5,659,000	2,667,000	1,240,000

COMPARATIVE STATEMENT of Amount adjudged in the Provincial Courts of Calcutta, Moorshedabad, and in those of Behar and Benares.

—	1826.	1827.	1828.
Calcutta Provincial Court -	2,074,000	831,000	485,000
Moorshedabad Ditto - -	544,000	671,000	1,022,000
Total - - -	2,618,000	1,502,000	1,507,000
Patna Provincial Court -	1,034,000	3,247,000	778,000
Benares - - Ditto - -	5,602,000	1,499,000	2,095,000
Total - - -	6,636,000	4,746,000	2,873,000

COMPARATIVE STATEMENT of Amount at Stake in the Suits pending in the above-mentioned Courts.

—	1826.	1827.	1828.
Calcutta - - - -	8,104,000	6,598,000	8,217,000
Moorshedabad - - -	10,122,000	10,302,000	9,902,000
Total - - -	18,226,000	16,900,000	18,119,000
Patna - - - -	7,015,000	5,016,000	5,389,000
Benares - - - -	45,082,000	43,653,000	42,897,000
Total - - -	52,097,000	48,669,000	48,286,000

fore be something extremely objectionable, we conceive, in an act which would virtually proclaim to the people of those provinces that measures for the reform of the judicial administration, on which their property and happiness depends, were to be postponed until a special scheme should be fashioned and matured for a comparatively confined tract and limited population around the Presidency of Fort William.

12. Even, therefore, if we looked to the natives alone, who are likely, in the progress of education, to acquire every day a greater community of sentiment with their rulers, and many of whom, you are doubtless aware, possess properties in various districts, we should be averse to any plan of arbitrary distinction between the different parts of our dominions, as likely to occasion embarrassment and discontent, our real policy being, we conceive, gradually to extend to the whole country, with the modifications required by local circumstances, whatever institutions are found most consonant with our position, and with the wants and wishes of the people. Still more does such a policy appear to be required by a consideration of the actual circumstances in which British residents are now placed, and of those which must, we apprehend, be anticipated on their being permitted more freely to resort to this country.

13. Nor are there fewer objections to the scheme of separation, if we regard it in what may be termed its commercial relations.

14. Much indigo is produced in the more distant parts of Bengal, still more in the provinces of Behar and Benares, where European residents are consequently as numerous nearly as in the districts adjoining Calcutta. The culture of cotton, sugar and tobacco, and the growth of the mulberry for the manufacture of silk, chiefly prevails (the three first-mentioned articles more especially) in the remoter districts. Saltpetre, and various dyes and drugs are all unknown to those adjoining the Presidency; and both to the east and west, it is beyond any limits, we imagine, compatible with your scheme that unoccupied land is to be found, in considerable quantity, available for the settlement of European adventurers, with the exception of the Sunderbunds. It would therefore, we imagine, be deemed altogether unreasonable to adopt a plan founded on the assumption that the resort of British settlers should be confined within a few districts surrounding the Presidency, or that there only they would find a scheme of law and judiciary establishments calculated to protect or control them, otherwise than in the spirit of a military despotism. Such a restriction upon their enterprize would never surely be tolerated. Such an avowal of incompetency, however misplaced, must be fatal to the Government that made it. We cannot, however, deem any restriction necessary; and with every readiness to admit the imperfection of our institutions, (where are laws and courts not imperfect?) we see no reason to conclude that they may not, without any arbitrary separation of the different parts of the empire, be so improved by a plan of steady and gradual reform, as to afford in every part of the country (excepting, of course, certain poor and wild tracts which are inhabited by uncivilized races) a security for person and property not less perfect than is enjoyed in any of the foreign dominions of the British Crown.

15. We do not of course, in regard to arrangements, the success of which must mainly depend on the fitness of the instruments employed, by any means object to the principle of giving effect to them only as duly qualified agents can be found.

But

But in advocating a gradual reform, we would be understood to refer rather to the nature of the changes to be made than to the local limits to which they apply. A sudden and great change of rights, interests or institutions would be mischievous, though restricted to a single Pergunnah. The progress of improvement will beneficially proceed, with well measured steps, throughout the whole of British India. It is therefore against the adoption of a rule by which we shall arbitrarily prevent ourselves from adopting our course of proceedings to actual circumstances, we would be understood to argue; and we confess we do not anticipate from the free permission to Europeans to settle in the interior, with the liberty of purchasing lands, any such consequences as should deter us from adopting one general scheme of administration for the whole of the provinces. We do not think it likely that the number of persons embarking in the speculation will be numerous. We should not anticipate from their presence any occasions of dispute which a tolerably good judiciary establishment would not be fully competent to settle; nay, we should look rather for increased facilities for getting at the facts, the ascertainment of which now constitutes our main difficulty, since none of them would have that timid jealousy, and the worst of them are not likely to have, in equal degree, the spirit of chicane, which unfortunately distinguish all classes of our native subjects, and which frequently leads to the concealment of the truth, even when its discovery would be beneficial to the party. The conditions on which land is held are indeed various; but there is not generally any seriously embarrassing entanglement of properties when the real circumstances are developed. All undefined *classes* which resembled the *incidents* of the *feudal* tenures have long since been done away; and in so far as concerns the security of private rights and their ready adjustment, what is wanted is not, in our judgment, a change of tenure, but the simple discovery and record of what already exists.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

16. We hold it to be impracticable to compel British subjects to congregate within a very limited space, consistently with the objects for which we desire to see them admitted to the free possession of landed property; for land is not generally to be obtained, excepting at a very high price. In prosecuting their schemes of improvement, they must seek a variety of soils and climate. They cannot, we apprehend, expect to be able to compete successfully with the natives in the production of the ordinary articles of agriculture; and for success in any pursuit, they must diligently avail themselves of every attainable advantage in the way of low wages and unimproved capabilities, which must gradually disappear with the spread of knowledge; in a word, looking to all the circumstances of the country, it seems to us, that Europeans must cease to find any large profit in agricultural adventure, when they cease to be the instructors of the people; and seeing how rapidly the latter appear to be capable of acquiring European knowledge, the former must, from that circumstance alone, be few in number. It is very unlikely they should wish to retain landed property in India, if it did not yield them a profit much exceeding the mere interest which they could derive at home from the money value of it.

17. With the above sentiments on the plan of separating a certain tract of country for the introduction of a new code and a modified judiciary system, it is satisfactory to us to find, that amongst those valuable and important suggestions contained in the Papers 2 and 3, relative to the formation of a code and the establishment of Courts, which command our concurrence, there are none that might not, in our judgment, be applied with equal facility to the country generally as to a single province; and that the objections which occur to us against the other measures you have proposed, have no reference to the extent of the sphere within which they may be called into operation.

18. We cordially unite with you in opinion, that all the Indian territories which constitute the three Presidencies, should be considered and declared to be dominions of the Crown of the United Kingdom, for which Parliament has an unquestionable right of legislation. We likewise entirely assent to your suggestion, that as soon as possible, one code of law should be established for all persons and all places within the same, reserving of course the special laws and usages which depend upon the religious creed of the different classes of our subjects, and that there should be one system of Courts, of which the highest should be filled by Judges appointed by His Majesty. We cannot regard the commercial concerns of the Company as

V.
Legislative
Councils;
Courts of Justice;
Code of Laws

opposing any serious obstacle to the adoption of any scheme that may otherwise be thought expedient. We consider it in the highest degree desirable, that every thing which can tend to separate in reality, or in the estimation of the community, the Government of the King from that of the Company, in so far as concerns the political administration of this country, should be discontinued; and if any part of the system according to which the Company's commercial affairs are now managed, has this tendency, we doubt not that it will be corrected. On that score, therefore, we do not anticipate any difficulty in adopting whatever system of judiciary establishments may appear to be best suited to the circumstances of the country, and the scheme of which you have given a general outline in the paper, No. 3, agreeing nearly with what we should ourselves wish to see established, it does not appear to be necessary that we should trouble you with any remarks, excepting on a few points.

STATEMENT of CRIMINAL BUSINESS in the several Courts belonging to the Presidency of Fort William, for the Years 1827 and 1828.

	Western Provinces.		Lower Provinces.	
	1827.	1828.	1827.	1828.
Magistrate's Courts:				
Persons apprehended, &c.	39,335	32,077	69,511	70,189
— punished	15,655	12,439	24,748	25,660
— acquitted	20,831	17,217	42,193	42,591
— committed	2,749	2,693	2,570	1,986
Courts of Circuit:	1826.	1827.	1826.	1827.
Persons convicted	1,197	1,320	973	1,576
— acquitted	894	913	871	1,185
Nizamut Adawlut:				
Persons acquitted	93	165	129	95
— convicted	453	279	425	283
Sentences of death	39	31	22	23
Ditto - of transportation	34	4	9	39
Ditto - of imprisonment	380	244	394	221

STATEMENT of Regular CIVIL SUITS in the several Courts belonging to the Presidency of Fort William, for the Years 1827-28.

	Instituted.		Disposed of.		Pending.	
	1827.	1828.	1827.	1828.	1828.	1829.
Sudder Dewanny	139	171	118	148	469	492
Provincial Courts	1,359	1,429	1,415	1,236	3,854	4,006
Zilla Judges	63,350	60,400	9,681	8,989	27,856	27,233
Registers	Included in the above		6,022	4,427	10,392	10,802
Sudder Aumeens			45,986	44,784	35,036	36,294
Moonsiffs	115,797	113,849	113,120	114,360	60,885	61,317
Total	180,645	175,849	176,342	173,944	138,492	140,144

19. First, as to the actual state of things, the annexed Memorandum will give you a general conception of the business of the several descriptions of Courts, Civil and Criminal, now established for the administration of justice in the interior of the country.

20. You will thence observe that the Native Judges already dispose of about 15-17ths of the regular civil suits (original and appeal) tried and determined throughout the country, and that it is chiefly in the Superior Courts that the suits in arrear are of long standing. Of the original suits pending before the Judges and Registers, a large proportion will be found to relate to things of a value under 1,000 rupees; and although, therefore, the jurisdiction of the Native Judges were still restricted to that sum, the Zillah Judges might be greatly relieved by a different distribution of the business; in so much that if they were at the same time freed from their magisterial duties, we have little doubt that, with occasional aid in particular districts, they would be able promptly to decide all the cases requiring their decision; and thus to obviate any reasonable ground of complaint on the score of delay, excepting what may arise from defects of process, susceptible, we conceive of easy amendment.

21. We are disposed to doubt whether natives could advantageously be associated with the European officers, as Judges in the Zillah Courts. Men of admirable acuteness and talent we certainly could command; and in a few years, probably, the prospect of honour and liberal emolument would produce an abundant supply of any

species of knowledge, for the acquirement of which means may be afforded.
But

But moral character depends not less on the general sentiment of the community than on the workings of the individual mind ; and its improvement, however ultimately sure to follow, will not necessarily keep pace with the progress of knowledge. Independently, therefore, of considerations resting on the peculiarity of our position in this country, it seems to us that, for a considerable time to come at least, the natives must be kept distinctly in subordination to the European Zillah Judges, though they, as well as other native persons, may probably be rendered very useful in the capacity of assessors or jurors ; and we are not prepared to say, that they ought not eventually to be vested generally with the primary jurisdiction of all civil suits. We are likewise doubtful how far it would be expedient to have any tribunal interposed between the Zillah Courts and the Court of Final Jurisdiction in this country. The expense of such an establishment would be great ; its utility is questionable ; for the Provincial Judges must apparently be so numerous as to make it doubtful whether we could generally obtain for the office the services of men better qualified than the Zillah Judges may reasonably be expected to be ; and if they were not superior, then there would be no sufficient reason why they should have higher powers than the Zillah Judges ; nay, to give them any power of ultimate decision that would exclude the higher Court, would be mischievous, and their interposition must, in any event, operate to lower the Zillah Courts, and to debar them from many of the advantages they would derive from being brought into immediate contact with the highest local Court. On general grounds, indeed, it seems to us to be desirable to restrict, within narrow limits, the appeals of right from one British Judge to another, litigation and the frivolous prosecution of their suits being prevalent vices, and the proper function of all British authorities being direction and control, to be exercised with the least possible appearance of disunion among those who, in their different ranks, administer the affairs of India as the representatives of the British Government. It seems to us, consequently, that the Presidency Courts of Appeal should be placed immediately above the Zillah Courts. How many Presidency Courts should be instituted is a separate question, the determination of which must, in a great measure, depend on the decision that may be passed in regard to the distribution of the political and executive authority of the Government. But whether there be three or four, or any other number of Presidencies and Presidency Courts, it will, we conceive, be desirable that the Court at Calcutta, or some chamber thereof, should have ordinary jurisdiction in certain cases, of the nature of those specified in the 2d paragraph of your Paper ; and it should further exercise, in the capacity of a Supreme Appellate Tribunal, such special powers of correction and control as may be necessary to maintain consistency of decision throughout the whole of British India.

22. In the criminal department it will not, we imagine, be difficult to contrive a system of jury-trial for all cases which it may appear desirable to have so tried ; and if our Zillah Judges were wholly freed from their magisterial functions, we do not think that there would remain any reasonable ground of objection against their having primary cognizance of all cases, whether British born subjects or natives were concerned, subject to the directions of the Presidency Court, to which, of course, certain cases might be required to be referred before execution.

23. Arrangements might, we imagine, without difficulty be made to secure all the advantages of Circuits, without the inconvenient delay incident to the plan of Sessions, held at distant periods. But in the present stage of the business it is not perhaps necessary to go further into detail. Whatever plan be adopted, it seems to be clear that it can be successfully carried into effect only by means of a Legislative Council in this country, empowered to enact laws for all persons and all places within British India ; since, in the application of the best devised system, there must arise a multitude of laws that no human foresight can anticipate : and were the British Parliament to undertake the task of constructing a system by enactments emanating directly from itself, no one can reasonably doubt that the result must be the accumulation of doubts and difficulties that would most mischievously interfere with the good government of the country.

24. In the above remarks we have used, with entire frankness, the freedom of discussion you have invited, satisfied that such a course of proceeding is due to the great national interests involved in the questions at issue, and that we thus best

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

evinced the high importance we attach to the suggestions with which you have so obligingly favoured us.

We have, &c.

(signed) *W. C. Bentinck.*
W. B. Bayley.
C. T. Metcalfe.

Fort William, 9th October 1831.

(True Copy.)

(signed) *Holt Mackenzie,*
Secretary to the Government.

— No. 29. —

LETTER from the Judges of the Supreme Court to the Governor General in Council, in reply to Letter of the 28th September; stating their sentiments on the Additions and Alterations proposed in the Bill.

Garden Reach, 7th October 1830.

RIGHT HON. LORD AND HON. SIRS,

WE have had the honour of receiving your letter of the 28th ultimo.

One of the proposed alterations appears to us to be unnecessary, and in some degree objectionable. It is that which upon any emergency would give to the Governor General the power of passing any law resolved upon at any meeting of three Members of the Council, without allowing the interval of fourteen days to elapse. We understand that this was suggested by a provision in the statute 9 Geo. IV. c. 83, s. 25, respecting the Legislative Council of New South Wales: but it will be found upon examination that the power there given is only that of dispensing with an eight days notice *before* the law is resolved upon in Council, and such a dispensing power is unnecessary in the case now before us, because it is not proposed that any such previous notice should be given. To authorize the Governor General to dispense with the *subsequent* interval of fourteen days, would produce great confusion; for he might then pass a law, without knowing that it would be thought objectionable, which might afterwards be declared, not only by the Judges, but by a majority of the whole Council, to be disapproved of by them, or even to be thought absolutely unlawful.

The other alterations proposed by you have been introduced by us into the amended Minutes of a Bill which accompany this letter. To make them consist with the other parts, it has been necessary to alter the arrangement of several of the clauses, but we believe the whole will be found now to correspond with your views, and to establish the following course for the passing of a law at this Presidency: viz. That it shall be proposed in a meeting of, at least three Members of the Legislative Council, if resolved upon, that it shall then be sent to the Governor General, who may either quash it or send it round to all the Members of the Council then resident in any part of the Presidency: all those Members must express in writing their assent or dissent: if a majority of the whole express dissent, the regulation falls to the ground; if the majority assents, it is established as law, unless the Judges declare it to be unlawful, in which case it is suspended, unless the Governor General takes upon himself to give it a temporary effect until the pleasure of the King in Council can be declared.

There are some inconveniences which may arise out of the alteration which you have required to be introduced, by which an unlimited discretion is left to the Governor General as to the place of assembling the Council. The Judges of the Supreme Court, whilst the Court is fixed at Calcutta, could scarcely attend the Council elsewhere, and yet their presence, according to the present form of these Minutes, is rendered necessary.

If this circumstance or any other should appear to call for a modification of the Minutes as they are now framed, it has occurred to us, and we submit it for your consideration, that if the Supreme Court should be made principally a Court of Appeal, it might be a convenient arrangement that two persons appointed by the Crown,

Crown, together with one Member of the existing Council and the Governor-General, should form a Legislative Council, and two other persons, appointed by the Crown, together with the other Member of Council and the Governor General, should form the Court of Appeal or Council of Judicature; the presence of the Governor General not being made necessary, but the right only of presiding in each Council being reserved to him when it should be thought expedient to exercise it.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

We are, &c.

(signed)

Chas. Edwd. Grey.
Edward Ryan.

(A true copy.)

(signed)

Holt Mackenzie,

Secretary to the Government.

— No. 30. —

LETTER to the Hon. Sir *Charles Edward Grey*, Knight, Chief Justice, and the Hon. Sir *Edward Ryan*, Knight, Puisne Justice of the Supreme Court of Judicature at *Fort William* in *Bengal*; explaining more clearly the views of his Lordship in Council, in suggesting an Alteration commented upon in the Letter of the 7th October 1830.

HON. SIRS,

11th October 1830.

WE do ourselves the honour to acknowledge the receipt of your letter, dated the 7th instant, with the amended Bill which accompanied it.

2. With respect to the alteration which we suggested, and which appears to you unnecessary, and in some degree objectionable, we regret that we should not have expressed ourselves with sufficient clearness and precision. Our object was that the Governor General should be empowered to dispense with publication, in cases of emergency, after the proposed law had been sent round to all the resident Members of the Legislative Council. This explanation will, we trust, do away with the objection which you attached to the suggested alteration; but with the view of removing all ambiguity, we have put it into another shape. A copy of the rule as now altered is annexed, and we would suggest that the substance of it be introduced at the end of the 9th section, or at such other part of the proposed Act as you may consider more suitable.

3. You will observe, that in addition to the power of dispensing with publication, we now propose that a power should be lodged with the Governor General, in extraordinary cases, of obviating the delay which would arise from sending round a law to all the resident Members of the Council. We conceive this power to be necessary to meet cases of emergency; and as each Member of the Council would receive due notice, and have the option of attending the meeting, we are not aware that the proposition to confer it, limited as it will be to cases of great emergency and to laws of a short duration, can be considered in any degree objectionable.

4. We venture to suggest to you an alteration of the period specified in the 6th section, from 12 to 18 calendar months, this last-mentioned period appearing to us no more than sufficient for the notification of the pleasure of His Majesty in Council respecting any law or regulation passed in this country, adverting to the ordinary length of time occupied in the voyage to and from England, and to the interval which must be allowed for the deliberation of the home authorities.

5. On the subject of the inconveniences which you anticipate as being likely to arise from leaving to the Governor General an unlimited discretion as to the place of assembling the Council, we have only to remark, that we never intended that this discretion should be exercised except in cases of urgent and manifest necessity. Epidemic diseases may arise which would render it unsafe to reside at the Presidency or in its vicinity; the contingencies of war may render the removal of the seat of Government expedient and necessary; and various exigencies, now unforeseen and not easily enumerated, may occur to make the exercise of such a power

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

indispensable; and it ought, of course, to be competent to the Legislative Council to meet such contingencies by an alteration in the seat of the Supreme Court.

6. Under the extreme improbability of such an emergency arising as that adverted to in the preceding paragraph, we conceive that it would be obviously premature to discuss at length the questions involved in the proposition contained in the concluding paragraph of your letter, which we are of opinion will with more propriety be left for the consideration of the Legislative Council, after sufficient experience has been had of the operation of the proposed system.

We have, &c.

(signed)

W. C. Bentinck.
W. B. Bayley.
C. T. Metcalfe.

PROPOSED AMENDED RULE adverted to in Paragraph 2, of the Letter under date the 11th instant.

PROVIDED, however, that in any case in which, in the judgment of the Governor General, the safety and tranquillity of the British possessions in India, or the public interest essentially require that any law should be finally passed by the Legislative Council, holding a meeting as aforesaid, without the delay that would attend the reference of the draft to all the resident Members of that Council, or without publication, it shall be lawful for the Governor General to approve and confirm the law immediately after its being resolved on and passed as aforesaid. But, in all such cases, the Governor General shall, in summoning the Council, cause notice to be given to each and every one of the Members resident at the Presidency or place at which the Council is held, that it is his opinion that the law should be passed on emergency. Such law, however so passed on emergency, shall have effect for the period of 12 months only, or until the pleasure of His Majesty in Council respecting the same, before the expiration of the said 12 months, shall be declared. And in every such case the Governor General shall state in writing the grounds and reasons of such emergency, and shall enter the same upon the proceedings of the Legislative Council, by which the law or regulation shall have been prepared, and the same Council shall forthwith transmit copies of the law or regulation and all the proceedings connected therewith to the Board of Commissioners and Court of Directors, in manner hereinbefore provided, in order that the pleasure of His Majesty in Council may be declared thereon.

(True copies.)

(signed)

Holt Mackenzie,
Secretary to the Government.

— No. 31. —

LETTER from the Judges of the Supreme Court to the Governor General in Council; returning AMENDED MINUTES of a BILL, for establishing LEGISLATIVE COUNCILS in the *East Indies*.

Garden Reach, 13th October 1830.

RIGHT HON. LORDS AND HON. SIRS,

WE have had the honour of receiving your letter, dated the 11th instant, with the amended Minutes of a Bill, and the draft of a further amendment proposed to be made therein.

We have gone through the amended Minutes, and have introduced such alterations as we trust have made them now entirely correspond with your views; and we enclose a fresh copy of the Minutes, with all these further alterations inserted in red ink*. There are a few which are mere corrections of inaccuracies or omissions in the former copies.

The only point in which the Minutes now differ from your last suggestion, is the opportunity which is reserved (even upon urgent occasions) to all the Members of the Legislative Council, who are resident upon the spot, of seeing and approving

* The red ink alterations are printed in italics.

approving or disapproving of any proposed law ; but, in such cases, the power is secured to the Governor General of establishing the law, at all events, on the next day but one after it has been agreed upon in any meeting of the Legislative Council. So short a delay in the making of a law cannot in any case be productive of inconvenience ; and if you should think it desirable, we should have no objection to its being directed that the written disapprobation by any Member of any Legislative Council of any proposed law or regulation shall be kept secret, both before and after any such law or regulation shall be established, except that it shall be communicated to the proper authorities in the United Kingdom, and to all the Members of the Legislative Council, and shall be entered upon the proceedings thereof.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

We have the honour to remain, Right honourable Lords and Honourable Sirs,
Your obedient humble Servants,

(signed) *Chas. Edwd. Grey.*
Edwd. Ryan.

(True copy.)

(signed) *Holt Mackenzie,*
Secretary to the Government.

HEADS of a BILL, to be intituled, " An Act for establishing Legislative Councils in the *East Indies*."

1. WHEREAS the Civil and Military Government of the Presidencies of Fort William, Fort St. George and Bombay, in the East Indies, subject to such superintendence, direction, control and restrictions as for that purpose have been provided and established, is entrusted to the Governor General in Council for the time being, and the Governors in Council of the said Presidencies; and also the ordering, management and government of all the territorial acquisitions and revenues therein : And whereas such Governor General in Council, and Governors in Council, have been authorized and empowered, by several Acts of Parliament, to make rules, ordinances, regulations and laws, as well for the imposition of duties and taxes as for divers other purposes ; and it hath been enacted, that all regulations affecting the rights, persons or property of the natives, or of any other individuals who may be answerable to the Provincial Courts of Justice, shall be registered in the judicial department, and formed into a regular code ; and it hath also been provided that the rules, ordinances and regulations made for the settlements of Fort William, Fort St. George and Bombay, and the factories and places subordinate thereto shall be registered in the Supreme Courts of Judicature at the said settlements, with the consent and approbation of the said Courts ; and further provisions have been made for the better enabling of his Majesty in Council, in some cases, to disallow or repeal, and in others, to amend such rules, ordinances or laws : And whereas it is necessary that a power should at all times be vested in some persons resident within the British territories in the East Indies, of making regulations and laws for all the territories and people there under British Government : And whereas the several Acts of Parliament which have heretofore been passed for that purpose have been found to be in some respects imperfect and inconvenient, and it is expedient that more full, certain and effectual provisions should be established instead of them ; be it therefore enacted, that so much of an Act, intituled, &c.

13 Geo. III. c. 63. ss. 36, 37.

21 Geo. III. c. 70, s. 23.

37 Geo. III. c. 142, s. 8.

39 & 40 Geo. III. c. 79, ss. 11, 18, 19, 20.

47 Geo. III. sess. 2, c. 68, ss. 1, 2, 3.

53 Geo. III. c. 155, ss. 98, 99, 100.

and so much of every other Act heretofore passed as in any way relates to the making of any laws or regulations by the Governor General in Council, or the Governors in Council of any of the said Presidencies, be and the same are hereby repealed : Provided always, and be it further enacted, that nothing herein contained shall be construed so as to repeal any regulations heretofore made by any Governor General

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

General in Council, or Governor in Council; but all such regulations, until they be expressly repealed or altered by some competent authority, shall have the same force and effect as they would have had if this Act had not been passed.

2. And be it further enacted, that there shall be one Legislative Council within each of the said Presidencies of Fort William, Fort St. George and Bombay.

See 33 Geo. 3,
c. 155, s. 80.

3. Each of the said Legislative Councils shall consist respectively of the Governor General or Governor of the Presidency for the time being, and of all others the Members of the Council of the Presidency and of the Judges of the Supreme Court of Judicature of the Presidency, and of such other persons not exceeding in number, as from time to time shall be appointed by His Majesty, His Heirs or Successors, or by the Directors of the East India Company, subject to the approbation of His Majesty, His Heirs or Successors, *such approbation to be signified in writing under the Royal Sign Manual, and to be countersigned by the President of the Board of Commissioners for the Affairs of India.*

4. Each of the said Legislative Councils, or so many of the Members thereof as shall be able to attend, shall meet and assemble from time to time at some place, to be appointed by the Governor General, Governor or Vice President, within the towns of Calcutta, Madras and Bombay respectively, or at *some place within twenty miles of the said towns; or in case of any urgent necessity, at some other place, to be appointed by the Governor General and Council, or Vice President,* at such times and in such manner as such Governor General, Governor or Vice President, shall also direct; and it shall not be lawful for any of the said Legislative Councils to assemble in the capacity of a Legislative Council, otherwise than as herein provided.

5. Each of the said Legislative Councils shall be capable of deliberating, resolving and acting in its capacity of a Legislative Council, whenever three Members thereof shall be lawfully assembled, provided that one of the three be either the Governor General, Governor, Vice President or some other Member of the Council of the Presidency, and another be one of the Judges of the Supreme Court, but not otherwise, unless there should be no Judge then resident within the Presidency, or the provinces annexed thereto, or unless, upon any urgent occasion, there should be a refusal to attend, or an impossibility of attendance, or any wilful neglect to attend on the part of all the Judges then resident as aforesaid; in any of which cases, and after a Minute of the circumstances shall have been entered upon the proceedings of any such Legislative Council, and signed by the Governor General, Governor or Vice President for the time being, it shall be lawful for any three Members of any such Council, who may be assembled upon any such occasion, to deliberate, resolve and act in all respects as a Legislative Council, in the same manner as if one of the Judges had been present: And be it further enacted, that all the proceedings at any meeting of any such Legislative Council shall be conducted, as nearly as possible, in the same manner and form as the proceedings before the Governor General in Council are by statute directed to be conducted, and that no Governor General or Governor shall have any power, at any such meeting, of passing any law or regulation of his own sole authority: Provided always, that in every case in which anything is by this Act made to depend upon a majority of any of the Legislative Councils, or of any of the Members thereof, every Governor General, Governor or Vice President, shall have a casting vote.

6. Every proposed law or regulation, after it shall have been resolved upon at any lawful meeting of any of the Legislative Councils, shall be sent, in the first place, to the Governor, General, Governor or Vice President for the time being of the Presidency; and it shall be lawful, upon such occasion, for any Governor General, Governor or Vice President, to express his dissent in writing, and to forbid the passing of that law or regulation, and at once to quash and annul the same, or to direct that it shall be sent round to the other Members of the Legislative Council so resident as aforesaid; and every such Governor General, Governor or Vice President, is hereby required, upon every such occasion, within two days from the receipt of every such proposed law or regulation, either to forbid and annul the same, or to direct it to be sent round to the Members of the Legislative Council, and thereupon copies of the same shall be sent to all the Members of the Legisla-

Council in which the law or regulation shall have been proposed, who at the time shall be resident within 20 miles of the place where the Council shall have met and resolved upon the law ; and every such resident Member, whether he shall or shall not have attended the meetings of the Council at which such law or regulation shall have been deliberated or resolved upon, shall signify in writing, without delay, his assent or disapprobation thereof; and if upon such occasion it shall appear, upon the whole, that the majority of the Members so resident as last aforesaid, within the distance of 20 miles, are adverse to the passing of such proposed law or regulation, it shall be abandoned and fall to the ground ; and if any two of the Judges of either of the Supreme Courts, or in case there be only two or only one of the Judges so resident within 20 miles as aforesaid at the time, then if the only Judge, or the Chief Justice, or in his absence the senior Judge of the Supreme Court of the Presidency at which the law or regulation shall have been passed, shall state in writing his or their disapprobation thereof, by reason of his or their opinion and belief that such law or regulation is not within the powers vested by this or any subsequent Act in the Legislative Council in which the law or regulation shall have been proposed, and shall also state his or their grounds or reasons for such opinion and belief, then, unless the Governor General of Fort William shall expressly direct, in manner and form hereinafter mentioned, that it shall have effect, every such law or regulation respecting which such disapprobation, opinion and belief shall have been so stated as aforesaid, notwithstanding it shall have been approved by a majority of all the Members of the Legislative Council so resident as aforesaid, shall be suspended, and shall have no force nor effect until such time as it shall have been referred to the President of the Board of Commissioners for the affairs of India for the time being, and to the Directors of the East India Company, and until the orders of such President respecting the same shall have been received in India ; and the said President for the time being is hereby authorized and required, in all such cases, to submit any such law or regulation to His Majesty in Council ; and after having so submitted the same, and after His Majesty's pleasure thereupon shall have been declared, to issue his orders to the Governor General of Fort William for the revocation or suppression, or the publication and enforcement of the law or regulation ; and if any such law or regulation shall be so directed to be published and enforced, it shall, after such publication, have the same force, authority and effect, and no other, as if no such suspension as hath herein before been mentioned had taken place : Provided always, and be it further enacted, that whenever any of the Judges shall have so stated his or their disapprobation, opinion and belief as aforesaid, nevertheless if a majority of all the Members of the Legislative Council, so resident within twenty miles as aforesaid, shall have expressed their assent to such law or regulation, and if the Governor General of Fort William in Bengal, notwithstanding any such disapprobation of the Judges, shall be willing to take upon himself the responsibility of deciding that such disapprobation hath no sufficient foundation, or that the urgent necessity of the case, and the public safety, require that effect should be given to the proposed law or regulation, respecting which such disapprobation shall have been expressed, it shall be lawful for the Governor General of Fort William in Bengal, to direct that it shall have effect accordingly for eighteen calendar months, or until the pleasure of His Majesty in Council respecting the same, before the expiration of the said eighteen months, shall be declared ; and in every such case the Governor General shall state in writing the grounds and reasons of making such decision, and shall cause the same to be entered upon the proceedings of the Legislative Council by which the law or regulation shall have been prepared, and the same Council shall forthwith transmit copies of the law or regulation, and all the proceedings connected therewith, to the Board of Commissioners and Court of Directors in manner hereinbefore provided, in order that the pleasure of His Majesty in Council may be declared thereon ; and in the mean time, for the space of eighteen calendar months, or until the disapprobation of His Majesty in Council of such law or regulation before the expiration of the said eighteen calendar months, shall be declared, the law or regulation so directed by the Governor General as aforesaid to have effect, shall be to all intents and purposes as valid and effectual in law as if it had been passed by the Legislative Council without any disapprobation on the part of any Judge or Judges having been expressed.

V.
Legislative
Councils ;
Courts of Justice ;
Code of Laws.

7. The lawful powers of each of the said Legislative Councils to be exercised in manner and form as herein is expressed, shall extend to the making of laws and

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

regulations for repealing, amending or altering of any regulation heretofore made by any Governor General in Council, or Governors in Council, or hereafter to be made by any of the said Legislative Councils, and to the making of laws and regulations for all other purposes whatsoever, and for all manner of persons, whether British or native, foreigners or others, and for all places and things whatsoever within and throughout the whole and every part of the British territories in the East Indies, in the possession and under the Government of the East India Company, except as hereinafter is excepted, and subject to the conditions and restrictions hereinafter expressed, and at all times and in every respect subject to the full, absolute and supreme legislative power and control of the Imperial Parliament of the United Kingdom of Great Britain and Ireland: Provided always, and be it further enacted, that the Legislative Council of the Presidency of Fort William shall have full power and authority to make all such regulations and laws for the other Presidencies of Fort St. George and Bombay, but that no regulation or law made by either of the Legislative Councils for the said Presidencies of Madras or Bombay, shall at any time have any force, authority or effect, notwithstanding any confirmation of such regulation or law by the Legislative Council of the Presidency of Fort William, except within the limits of the territories constituting the Presidency by the Council of which it shall have been primarily made.

8. It shall not be lawful for any of the said Legislative Council to make any law or regulation which shall in any way repeal, vary, suspend or affect any Act of the Imperial Parliament, nor any Letters of Patent of the Crown, nor in any way affect any prerogative of the Crown or authority of Parliament, nor the constitution or rights of the East India Company, nor any part of the unwritten law or constitution of the realm of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any persons to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the British territories in the East Indies.

9. Except in any such case as hereinafter is specially excepted and provided for, as soon as any law or regulation shall have been resolved upon at any lawful meeting of any of the said Legislative Councils, and shall have been directed by any Governor General, Governor or Vice President to be sent round to the other Members of the Legislative Council, it shall forthwith be published in the Government Gazette, or some other newspaper of the place; and after an interval of not less than fourteen days after such publication, and after a sufficient time shall have elapsed to receive the assent or disapprobation of all the Members of the Legislative Council so resident within twenty miles as aforesaid, the law or regulation shall be laid again before the Governor General, Governor or Vice President, to receive his final or further assent, and if any person or persons interested in or affected by any such law or regulation, shall petition any Governor General, Governor or Vice President of the Presidency, to take into consideration his or their objections against it, at any time before the final or further assent in writing of any such Governor General, Governor or Vice President shall have been given, the Governor General, or Governor or Vice President, shall direct at what time and place any such person or persons shall state his or their objections, and whether by written petition only, or by counsel, or in person.

10. After fourteen days, and at some time not later than two calendar months, from the publication as aforesaid of any such law or regulation, the Governor General, Governor or Vice President shall express his confirmation or disapprobation thereof, and thereupon every such law or regulation which shall have so received the final disapprobation of any Governor General, Governor or Vice President, shall be abandoned and fall to the ground; and every law or regulation made by the Legislative Council of Fort William, which shall upon such occasion receive the confirmation of the Governor General or Vice President of Fort William, shall be fully established as a law; and every proposed law or regulation which shall have been made by the Legislative Council of Madras or Bombay as aforesaid, and shall have received the confirmation of the Governor or Vice President of either of those Presidencies, shall without delay be forwarded to the Governor General of Fort William in Bengal, who thereupon, within one calendar month after receiving the same, shall either communicate in writing his disapprobation thereof to the Governor in Council or Vice President in Council of the Presidency at which the law or regulation shall have been made, in which case it shall be abandoned and

and fall to the ground, or the Governor General of Fort William in Bengal, shall cause such law or regulation to be proposed in the Legislative Council of the Presidency of Fort William, in like manner as any other law or regulation, and it shall pass through the same forms, and by the said Legislative Council of Fort William shall be confirmed and fully established, or registered in like manner as if it had been a law or regulation originally brought forward therein, except that it shall not have any force or effect except in the Presidency in which it shall have been primarily made; and no law or regulation of either of the Legislative Councils at Madras or Bombay shall have any force or effect whatsoever until it shall have been so confirmed, and passed into a law and fully established by the Legislative Council of Fort William in Bengal.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

11. *And whereas occasions may arise in which the usual publication in any newspaper of any law or regulation, before the confirmation and establishment of it by the Governor General, would be productive of public inconvenience, and in which it may be desirable that effect should be given to the law or regulation with the least possible delay, it shall be lawful in any such circumstances for the Governor General to direct, that the usual publication in a newspaper before the confirmation of the law or regulation, shall not in that instance take place; and to require also that every Member of the Legislative Council so resident within 20 miles as aforesaid, to whom the law or regulation shall be sent, shall communicate to the Governor General his assent or disapprobation within 24 hours from the time of a copy of the law or regulation being left at his usual place of residence; and after such time shall have elapsed, it shall be lawful for the Governor General immediately to decide upon the law or regulation, and to establish and give effect thereto, in like manner as in other cases it hath been provided that he may act in respect of any law or regulation, after the lapse of 14 days from the publication thereof, in a newspaper.*

12. As soon as conveniently may be after any law or regulation shall have been lawfully and fully established in any of the ways aforesaid, the same shall be carefully registered and preserved as a record by the Legislative Council or Councils through which it shall have passed, and it shall be printed and published in the English language; and for the better securing of a general and accurate publication thereof, one printing-office or press for each Presidency, and no more, shall from time to time be licensed by the Governor General in Council, or Governor or Vice President in Council of the Presidency, to print and publish the laws of each Legislative Council, and the granting or changing of such licences shall from time to time be notified by proclamation or public advertisement; and each of the said Legislative Councils shall from time to time make such standing orders as may be most convenient and effective for the due publication of such laws in as many of the languages of India, and in such manner as will most effectually secure a speedy, full and complete promulgation thereof throughout the British territories in the East Indies, so that the knowledge thereof may be communicated to all who may be liable to be in any way affected thereby.

13. If any person or persons shall wilfully publish any false statement of any law of any of the said Legislative Councils, he or they shall be deemed guilty of a misdemeanor, and shall be punished accordingly; and if any person shall suffer damage or loss in consequence of being misled by any such false statement, it shall be a good cause of his recovering damages in a civil action, to be instituted against the party or parties by whose false statement he shall have been so misled.

14. Within one month after the passing and registering of any law or regulation by any of the said Legislative Councils, the Governor General in Council, or Governors or Vice President in Council, shall send duplicate copies of the same to the Court of Directors of the East India Company, and to the President or Secretary of the Board of Commissioners for the affairs of India, and at any time within one year from the first receipt of any such law or regulation, it shall be lawful for the President of the said Board of Commissioners, after having submitted the same to His Majesty in Council, to transmit to the Legislative Council of the Presidency of Fort William an order for the repeal of the same, and the same shall be forthwith repealed: Provided always, that all acts done under and according to any such law, during its continuance and previous to any repeal thereof, whether such repeal shall take place upon any appeal being made to His

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

Majesty in Council, or otherwise, shall be good and valid; and all persons shall be saved harmless for anything by them done, or omitted to be done, in obedience to or compliance with any such law before the time at which they shall have had, or with due care and watchfulness might have had, notice of the repeal thereof.

15. It shall be lawful for any person or persons to present an appeal to His Majesty in Council against any such law or regulation so registered and published as aforesaid, at any time within eight calendar months from the publication of the same after it has been fully established as a law, and it shall be lawful for His Majesty in Council at any time to repeal the same.

16. Nothing herein contained shall extend, or be construed to extend, to the affecting in any way of the right or power of the Imperial Parliament to make laws for the British territories in the East Indies, and for all the inhabitants thereof; and it is expressly declared, that a full, complete and constantly existing right and power is intended to be reserved, and is hereby reserved to the Imperial Parliament of the United Kingdom of Great Britain and Ireland, to control, supersede, or prevent by Act of Parliament all proceedings and acts whatsoever of the said Legislative Council, and to repeal and annul at any time any act, law or regulation whatsoever by the said Councils at any time made or done, and in all respects to legislate for the British territories in the East Indies, and the inhabitants thereof, in as full and ample a manner as if this Act had not been passed; and the better to enable the Imperial Parliament to exercise at all times such authority, power and right, the President of the Board of Commissioners for the affairs of India shall, once in every Session of Parliament, lay before both Houses of Parliament the laws and regulations of the said Legislative Councils, which since the foregoing Session may have been transmitted to him or to the Secretary of the said Board as hereinbefore is provided; and once in every period of _____ years the said Legislative Councils shall transmit to the President of the Board of Commissioners, and the said President shall lay before both Houses of Parliament the whole of the subsisting laws theretofore made by the said Councils, and then remaining unrepealed and in force; and the said Councils, before such transmission of the same, shall cause the same to be methodically and systematically arranged, and shall annex thereto such tables, indexes, glossaries, and other explanatory documents and materials as may be conducive to the true understanding of the same.

17. All laws and regulations which shall be made and published by the said Legislative Councils in the manner and form hereinbefore provided, as long as they shall remain unrepealed and unaltered, shall be of the same force and effect within and throughout the British territories in the East Indies, and every part thereof, as any Act of the Imperial Parliament is, would or ought to be within the same territories, and shall be taken notice of by all Courts of Justice whatsoever within the same territories, and in every part thereof, in the same manner as any public Act of Parliament would and ought to be taken notice of, without being specially pleaded and put in evidence.

18. Nothing herein contained shall in any way restrict or affect the powers of any Governor General in Council, or Governor in Council, in any other respect than that of the making of laws and regulations.

(signed) *Chas. Edw. Grey.*
Edw. Ryan.

October 13, 1830.

(signed) *Chas. Edw. Grey.*
Edw. Ryan.

(A true copy.)

(signed) *Holt Mackenzie,*
Secretary to the Government.

— No. 32. —

No. 24, of 1830.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

LETTER from *J. Thomason*, Esq. Officiating Deputy Secretary to Government to *P. Auber*, Esq. Secretary to the Court of Directors, transmitting further Communication received from the Judges of the Supreme Court of Judicature at Fort William.

Sir,

Fort William, 28th December 1830.

WITH reference to the concluding paragraph of a despatch addressed to the Honourable the Court of Directors, from this department, under date the 14th October last, I am directed by the Vice President in Council to transmit copy of a further Communication received from the Judges of the Supreme Court of Judicature at Fort William in Bengal, with its Enclosure, explanatory of their sentiments on the existing system of law and government in India, and the changes contemplated by the institution of a Legislative Council.

Territorial Department; Revenue.

2. The papers connected with the subject having already been forwarded to the Honourable Court, with a full explanation of the views of this Government, the Vice President in Council has not deemed it necessary to offer any observations on the present occasion.

I have the honour to be, Sir, your most obedient servant,

(signed) *J. Thomason*,
Officiating Deputy Secretary to Government.

(Fort William, Territorial Department.)

ABSTRACT of Revenue Letter, No. 24, addressed to the Secretary to the Honourable Court of Directors, dated the 28th December 1830.

FORWARDING, with reference to papers transmitted on the 14th October last, copy of a further Communication received from the Judges of the Supreme Court of Judicature at Fort William in Bengal, with its Enclosure, explanatory of their sentiments on the existing system of law and government in India, and the changes contemplated by the institution of a Legislative Council.

(signed) *J. Thomason*,
Officiating Deputy Secretary to the Government.

— No. 33. —

LETTER from the Judges of the Supreme Court to the Vice President in Council; forwarding, with their sentiments, Copy of a Letter addressed by them to the Secretary of the India Board, relative to the existing system of Law and Government in *India*, and the Changes contemplated by the institution of a Legislative Council.

Court House, 16th December 1830.

HONOURABLE SIRS,

1. WE have been prevented by the business of the Term and Sittings from replying earlier to the Letter of the Governor General in Council of the 9th of October.

2. We now enclose a copy of our Letter of the 16th October to the Secretary of the India Board, which was sent by the Euphrates, and of which a draft was put into the hands of the Governor General early in October. Several alterations have been made from the draft, and towards the close a difference of opinion between ourselves is noticed, which perhaps affects the perspicuity of that part of the letter. It became necessary, however, to state that difference of our views too late to afford time for making every part of the concluding paragraphs consistent with it; and we trust that no obscurity has been produced which will render our opinions unintelligible or dubious to those who have thought upon the subject.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

3. In the same spirit of frankness with which our previous correspondence has been conducted on both sides, we proceed to offer such remarks upon the second and subsequent paragraphs of the Letter of the Governor General in Council as appear likely to conduce to a better understanding, without leading to any useless or unnecessary discussion.

4. The principles applicable to conquests by the Crown, we consider to be those which were stated by Lord Mansfield, in the case of *Campbell v. Hall*, as it is reported in the 20th volume of Howell's State Trials; and we are not aware of any case of conquest by the Crown, either directly or by means of subordinate government, in which they would not be justly and conveniently applicable; though undoubtedly India has presented the greatest and the most difficult occasion of all that have ever occurred. Those principles acknowledged the obligation of treaties, agreements and capitulations, according to the real intent of them; from the moment that the state of war is terminated by proclamation they restore to a conquered people their own laws and usages, excepting the change of sovereignty, and such alterations as are expressly made by the conquering power; they secure to the King, or his duly authorized representative, the right of making at once and upon the spot those alterations which may be necessary, a power which, without extending to the infringement or abridging of any portion of the law or constitution of the United Kingdom, renders it easy to modify and regulate, without delay, the laws and usages of the new territory to such an extent as may be necessary, on account of those British subjects who may have been employed in the conquest, or who may at first resort thither; and they recognize the unlimited authority of the King in Parliament to make further alterations to any extent. There is nothing in these principles which is adverse to the constituting by Parliament of Local Legislatures, nor even to the delegation by Parliament, as in the case of India, of other powers which are sovereign in the hands of the Crown or Parliament, but which cease to be sovereign when held by delegation and under control; nor is there any thing, as it appears to us, which is at variance with the British constitution, in permitting within a newly acquired territory the existence even of a despotic form of government if it has existed there before, to which no other British subjects but the newly conquered ones, who have previously lived under it, can be made in any way liable, unless by their own choice and act; and which Parliament may at any time alter as it sees fit.

5. We entirely agree that the Imperial Parliament of the United Kingdom is not the place for all the details of Indian legislation, nor generally for the regulation of the internal affairs of India; and that as long as this country is governed by England, these ought always to be provided for, either by a separate body politic in England, or a local legislature in India, or rather by both of these. But we are at least as fully satisfied that it is of vital importance to England, that in matters of legislation those bodies should be the Ministers of Parliament, and absolutely subject to its authority, and that means should be secured whereby, at all times the intentions of Parliament, and when it chooses to interfere, its specific enactments, may be sure of being carried into effect. Instances, undoubtedly, might be adduced in which evils have been avoided in India by the force of circumstances having deadened the impulse of Parliamentary enactments; but such necessities will be less likely to occur as India comes to be better understood, and at any rate a danger incalculably greater and worse for England would arise from the existence within it, of any power resting upon legislative bodies in India, not really dependent upon Parliament, and at whose disposal and command the Revenues of India should be placed.

6. We are sorry to observe that we had not expressed the opinions which we were invited to give upon the subject of a code of laws, so as to prevent a misapprehension of our sentiments as to some points. We did not intend to suggest that the Hindu and Mahomedan Laws of property in moveables should at once be abrogated, but only to point out that, except as to the succession to moveables, including the law of adoption, there is not any very important difference between those laws and our own. We hoped we had sufficiently manifested our aversion to every violent, hazardous, or hasty change. It was our intention to recommend in every thing a slow and cautious progress; and that there should be no show of doing what it is impossible to accomplish. One of us entertains a strong conviction that it is so impossible to provide immediately any fixed laws for the whole of India,

India, that it is desirable no new laws at all, which apply with any minuteness to the subject-matter of them, should be attempted at present, except for a limited district. To him it appears that, for the mass of the territories, economical regulations are all that can be well enacted for some time to come; but if there were a harmonious co-operation of all part of the Government, he believes it to be quite practicable, without any violence, hazard or hurry, to establish and carry into execution a sound and complete system of law for a moderate portion of territory around the seat of Government; and that it is in the highest degree desirable that this object should not be renounced, because more cannot instantaneously be attained.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

7. He cannot think that the Government would be at all placed in the position which is contemplated in the 10th paragraph of the Letter of the Governor General in Council. His suggestion is that the existing system of law and government, with such general amendments as may be presently practicable and expedient, should be continued in all the provinces except that one which immediately surrounds the seat of Government; and that throughout all the wide extent of the others, British persons whilst resident there should lose the rights of English law, and be subject to the same regulations with the natives; but that in the one province adjoining the seat of Government, without any further adherence to English forms or rules than may be necessary to secure the complete subordination to the United Kingdom, a more definite law, a more perfect administration of it, and more precise and certain rights of person and of property, than it is possible all at once to secure to the whole of India, should be established; and established, not for British persons only, but for all, yet to be entirely superintended and regulated by a Legislative, a Judicial, and an Executive Council, the last of which would be the Governor General in Council, and in each of the two first the Governor General and one Councillor, would preside. This surely could not afford the pretence which is apprehended in the Letter of the Governor General in Council for an insinuation that the other provinces were wilfully left to a system which it was thought unjust to apply to our own countrymen, and when a repugnance is so strongly expressed to the passing of what is called a sentence of virtual outlawry of the natives. Sir Charles Grey requests that it may be remembered to have been his proposal to leave to the natives all the protection of law which they now have or ever had, and to give them as much more as may be possible; to bring British persons within the regulations now applicable to the natives in one space, and natives within a law adapted to the British in another; and by degrees to extend the latter system, but with all the caution and deliberation which such an undertaking would require. Surely it is the continuance of the existing distinctions rather than this scheme, which merits, if either of them does, the appellation of an outlawry of the natives, and it must at the moment have escaped the attention of the Governor General in Council, that the provinces subordinate to this Presidency have been for more than 70 years, and now are subject, but if this plan hitherto were to be adopted, would no longer be subject to a scheme of laws and judiciary system which it has been, and is still thought either unjust or inexpedient to apply to our countrymen who inhabit India.

8. What should be exactly the extent and boundaries of a province of Calcutta, is not a matter of first rate importance. The main point is, that some *locus standi* should be secured for what may really deserve the name of law. The consideration which suggested the particular district named by Sir Charles Grey, was chiefly its clear and distinct boundary; but it would certainly be desirable to include the suburb of Hourah, and perhaps more than that on the western bank of the Hooghly, were if something less than the Delta of the Ganges were to be taken on the other side; but if the Delta by itself is thought to be too inconsiderable, perhaps it would not be thought too much to add to it the district on the western bank of the Hooghly which lies between the Roopnaram and the Adje rivers, taking the high road which runs from Keerpoy through Burdwan and Mungulcote, as the western boundary, but including the two latter towns. Since 1726 Calcutta has been a British town and subject to the English law. The lapse of more than a century, the establishment for the last 20 years of a free trade, the prospect of an increasing intercourse with Europe, the altered condition of India, of the United Kingdom and of the world, would seem to be sufficient reasons for substituting now a country for a town; but the proposal of Sir Charles Grey does not involve an adherence to the system now established in Calcutta. He is well aware

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

of the evil of attempting too closely to adhere to English forms of law and procedure in India, and of the mischief of a separation and opposition between an English and an Indian system, and of other evils which he is not the less desirous to avoid for the future, because he is unable to remove them at present. He would not wish any other distinction between the province which would be the seat of Government, and the rest of the territories, than that in the one a system of law should be established with a firmness and precision which he feels confident might be attainable there, but which he strongly apprehends would be impracticable at present for the whole of India; yet for the rest of the territories he has never contemplated the necessity of anything approaching to martial law or a "military" despotism. He would leave for the present to the rest of the territories what they now have. He would give to one district something better. If, instead of this, Calcutta should be put upon the same footing with all India, he is apprehensive that it might operate as a dissolution of all law, that no constant and steady execution of regulations, made with any fullness of detail for all India, could either be insisted on or expected, but must come to depend upon the will of the local executive power, which must itself be influenced by the infinite and fluctuating considerations of temporary convenience arising out of the vast and unsettled field of Indian Government; that neither British persons nor any others in this country would have anything which they could claim as of right; and that the authority of the controlling powers at home would come to be merely nominal. On the other hand, it can scarcely upon consideration be thought by the Governor General in Council, that the proposed scheme of beginning with a single province would be either impracticable or difficult, inasmuch as it consists mainly of a restriction to a narrower sphere of that which the Governor General in Council would attempt for the whole range of India. It can scarcely be liable to the imputation of injustice to the natives, inasmuch as it would take from them nothing which they have or ever had, but would confer on them a great deal which they have not. Sir Charles Grey will add to these considerations a statement of his belief, that it is only in this way it is at all probable that the Crown and Parliament would assent to the British settlement at Fort William being subjected in legislative and judicial matters to the Government of the Company, unless arrangements could be agreed upon, by which the authority of the Crown and Parliament, in the control and direction at home of Indian affairs, could be rendered more immediate efficient and real than it is at present, or ever has been.

In conclusion, we beg leave to say, that if any further communications on our part should be thought desirable, it will at all times give us the greatest pleasure to enter upon them.

We have, &c.

(signed) Chas. Edw. Grey.
Edw. Ryan.

(Enclosure.)

— No. 34. —

LETTER from the Judges of the Supreme Court to the Secretary of the Board of Commissioners for the Affairs of *India*, relative to the existing System of Law and Government in *India*.

Sir,

Court House, Calcutta, 16th October 1830.

1. WE have now the honour of complying to the best of our abilities with the request contained in your Letter of the 15th of November last.

2. To exhibit distinctly our view of the circumstances in which the Court is placed, it is necessary to go through a statement which we do not only fear will be tedious, but of which the substance must be familiar to the President and Board, yet the facts have been regarded in such different lights, that unless we communicate our own impressions of them, the foundations on which our opinions rest will be liable to be misapprehended.

3. The first East India Company was constituted for the establishing and improving of a difficult and valuable trade for a limited time; and with a reservation

to

to the Crown of a power to revoke the Charter when the good of the nation might require it.

4. In the reigns of William III. and Queen Anne the old Company was induced to surrender its charters; its corporate capacity was terminated, and its members were admitted into another Company which had been constituted, not by the Crown alone, but by Act of Parliament, and by Letters Patent of the Crown issued in pursuance of the Act, and a power was reserved of entirely putting an end to the United Company after a certain time and upon a certain notice, and upon the repayment of a sum advanced by the Company to the Crown.

5. The possessions of the old Company in the East Indies were transferred for a valuable consideration to the new one, and they were principally the island of Bombay, a town and fortress at Madras, and another at Calcutta. These three places, of which the property was then in the United Company, or those who held under them, were plainly recognized by the Crown in 1726, in Letters Patent of that date, to be British settlements, and within the King's peace and allegiance, and the Company who accepted the Charter must be deemed to have been parties to it.

6. Bombay had long been severed from the Mogul empire, but Madras and Calcutta probably were considered, even subsequently to this period, by the Indian Princes whose territories surrounded them, as nothing more than factories in which they had given a property to the Company, and allowed them to raise fortifications for their defence in times of disturbance.

7. In 1730, the Company was declared in explicit terms by the statute of the 3 Geo. II. c. 14, to be a perpetual corporation, and to be entitled as such, to continue to trade in common with other British subjects, if at any time their privilege of an exclusive trade should be terminated. There had been a previous Act in 1710, intended probably to have the same effect, but of which the language was rather obscure and uncertain.

8. The powers of political government, which had been given by the British Crown and Parliament, whether to the new Company or the old, down to the year 1767, were calculated mainly and almost entirely for the defence and protection of the three settlements above mentioned and the subordinate factories, and of the great trade of which they were the principal seats.

9. In 1757, however, in the recovery and protection of the settlement at Calcutta, an operation in which the Company were assisted by the King's forces, the abilities of Colonel Clive were so much more than equal to the occasion, that he suddenly found himself the conqueror of the whole of the rich and populous provinces of Bengal, Behar and Orissa; the capital was in his possession, and the Subahdar or Viceroy, whom he had defeated in battle, was killed by one of his own people. Colonel Clive and Admiral Watson, whilst the contest was going on, had promised a Mahomedan officer of the enemy, that if he assisted them, he should be Subahdar, and Colonel Clive accordingly made him assume the title and state of Subahdar of the three provinces, though he had no claim by any appointment of the Mogul Emperor, nor by any hereditary right, but depended entirely upon the support of Colonel Clive, whose act must have required in this case to be ratified by the British Crown, before it could be considered as standing in the way of any arrangement which the Crown or Parliament might choose to make respecting the conquest.

10. To pass over intermediate events, the Governor and Council of Fort William, on the part of the East India Company, in February 1765, made an agreement with the successor of this Subahdar, of which the substance was, that he should have the title and rank of Subahdar and Nazim of Bengal, Behar and Orissa, but that the Company should nominate a Deputy Subahdar, who should not be removable without their consent, and who should have the management of all public affairs, including the revenue and the appointment of officers in that department, but that these should be liable to be removed on the application of the Company. A British person, appointed by the Company, was to be always resident with the Subahdar, and no European was to be admitted into his service. The Subahdar agreed that the opinion of the Company should be the criterion of what would conduce to his honour and reputation, and the whole military force was put into the hands of the Company, to whom Burdwan, Midnapore and Chittagong, three districts in Bengal

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

yielding a large revenue, had been some time before assigned for the purpose of their maintaining an army.

11. At a later period of the same year, 1765, the Company obtained from the Mogul Emperor, who for some time had lost all real power in the Lower Provinces, a Firmaun, which purported to be a grant in perpetuity of the whole revenues of Bengal, Behar and Orissa, upon condition of their providing for the expenses of the Nizamut, and paying to the Emperor annually 26 lacs of rupees.

12. In this manner within a short time, and before the close of the year 1765, the Company had taken into their hands all the means and forces of government throughout Bengal, Behar and Orissa; and as a perpetual right to the land revenues necessarily implied the right of entering and measuring the lands, and of ejecting the tenants upon failure of payment, it was absolutely incompatible with any adverse possession in other hands of the dominion of the country. There were then but three modes in which it seems to have been possible to contend that the Company had the right to keep the powers they had obtained; first, as filling the offices under the Mogul Emperor of perpetual Dewan and Commander of the Army in these provinces, and as holding in perpetuity the three districts of Burdwan, Midnapore and Chittagong, with all such rights annexed as the Subahdar had formerly enjoyed; secondly, as having become, in fact, themselves the Sovereigns of Bengal, Behar and Orissa; or, thirdly, that as British subjects they had obtained them by conquest and treaty, in trust for the British Crown. It would not have been reasonable that a Company which had been created by the British Parliament, and was composed for the most part of natural born British subjects, to whom the temporary privilege had been given of excluding all other British subjects from the sea coasts of more than half the globe, should have seized the opportunity afforded by these privileges to secure to themselves a power, either as independent potentates, or as servants of a foreign Prince, which might be turned to the injury of the country to which they owed their political existence; accordingly the British Parliament, by the Act of the 13 Geo. III. c. 63, seems to have decided that the last of the three forms stated above was the only one in which the Company could be permitted to hold what they had so unexpectedly acquired; and as the circumstances were such as had not been at all contemplated when their Charter for trade was granted, under the statute of the 9 William III., and as those circumstances might vitally affect the interests and constitution of Great Britain, provisions entirely new and different were justified and required by the occasion.

13. There was one difficulty, which would not perhaps at the present day have been thought so considerable as it was then. It was imagined that the land revenues, after defraying the expenses of Government, would still yield a large surplus, and this the Company claimed as their lawful profit, and that they had a property in the revenues. On the other hand, it was contended, and indeed it was resolved by the House of Commons, that the revenues belonged to the State. This ended in a provision, which still in effect subsists, that the revenues and territorial acquisitions should remain for a limited period in the possession of the Company, without prejudice to the claim of the nation; and the matter is now of less consequence than it was formerly, since the expenses of Government, to which the territorial revenue is specifically appropriated by Act of Parliament, are such as to make it unlikely there will be any great surplus after discharging the public debt unless taxes should be imposed to a considerable extent; and even in the event of a surplus, by a temporary provision in the statute it is allotted, in ascertained shares, to the Company and the Public.

14. To a certain extent the statute of the 13 Geo. III. c. 63, seems to be clear and decisive. It put an end to all question as to the dependence of the Company on the Parliament, and as to the absolute right of the British Legislature to regulate and direct the whole powers of political government which the Company might then have or thereafter acquire. The Parliament itself nominated in the statute the five persons who for the next five years were to be the Governor and Council in Bengal, and who were not to be removable by the Company, reserving to the Company the power of appointing subordinate agents for the management of their commercial affairs; and although the Governor and Council were subjected to the lawful orders of the Court of Directors, the Directors were placed, as to matters of government, under the superintendence of the High Treasurer or Commissioners of the Treasury and one of the Secretaries of State. The powers of government which the Company had

had before possessed under the Act and Charter of the 9 & 10 William III., and which were adapted to the management of a few stations held for the purposes of trade, were merged in those larger and more general powers which were now vested by statute in a Government calculated for the administration of the affairs of several populous and rich provinces. Since that time the corporate capacity, the right to trade, and the property of the Company, have been in law, and according to statutory provisions, a distinct and separate thing from their powers of political government. The first are secured by a Charter, which is permanent, and unless forfeited, cannot without a violation of constitutional right be annulled; their powers of Government are entrusted to them for a fixed period, beyond which, they depend in all respects upon the will and pleasure of the Parliament. Unfortunately these matters are not so easily distinguishable in fact as they are in law, and they have continued to be entangled at several points, and are frequently confounded in the minds and language of those who think and speak about them; and it must be allowed, that although the Company's powers of government, whatever they were at the period of which we are speaking, were entirely subjected to the British Crown and Parliament, it was not, even in law, made quite so plain and certain how far and in what manner it was meant to assert the sovereignty of the Crown and the authority of Parliament over the provinces in which these powers were to be exercised, and especially to what extent it was intended that the powers of legislating and of administering justice, which had existed under the former governments of the country, should survive the change which had taken place. The title of the Act implied only the establishment of regulations for the affairs of the Company, not the establishment of dominion and law over the whole of a newly-acquired territory and its inhabitants; there was no formal declaration in it, even of the sovereignty of the Crown; the settlement at Fort William, and the factories and places subordinate thereto were mentioned distinctly from the provinces at large; and there were many expressions and provisions whence it might be inferred that the inhabitants of the provinces were not considered as having become British subjects, which would have been the legal consequence of the provinces having become British territory. But, on the other hand, the whole civil and military powers of Government throughout the provinces had, for some time, been in the hands of the Company; and the governments newly nominated and appointed by Parliament were directed to exercise the same, including the ordering and management of the revenue, which, as we have stated, was absolutely inconsistent with the dominion of the country being in any adverse possession; and there is no supposition on which it can be conceived to have been intended by the British Parliament, that British persons, appointed by the King in Parliament to exercise all the powers of Government, should exercise them in any subordination, either formal or substantial, to any other Crown than that of Great Britain itself. Since that period neither the Mogul Emperor nor the titular Subahdar and Nazim, have ever been permitted to do any important act of authority within Bengal, Behar or Orissa. In the course of the debates which preceded the statute, the House of Commons had resolved, with reference to the revenues and territorial acquisitions, that "all acquisitions made by treaty with foreign Princes did of right belong to the State;" and by the statute they were declared to be left in the possession of a British Company by the permission and will of the British Parliament. By the Charter of Justice, which was granted under the Great Seal in the next year, 1774, writs in the King's name were directed to be issued into every part of the provinces of Bengal, Behar and Orissa; and it has never from that time until this been disputed that these writs, against certain classes of persons at least, have always been legal, and of as full force and effect in the outer borders of the provinces as in the town of Calcutta, or as in England itself. The writers, too, who have been the best qualified to pronounce an opinion upon this subject, and amongst the rest Mr. Harrington, a chief Judge of the Sudder Adawlut, who wrote and published, with the sanction of the Court of Directors, an Analysis of the Laws and Regulations of Bengal, have always dated from this statute, or from the earlier era of Clive's conquest, that sovereignty of the British Crown over Bengal, Behar and Orissa, of the present existence of which throughout the British possessions in India there cannot be any question.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

15. Perhaps in these circumstances the most consistent and tenable ground on which the enactments of the statute of the 13 Geo. III. c. 63, can be placed, is the supposition of the sovereignty of the British Crown and the authority of Par-

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

liament having been fully established by it, or by what had previously taken place; but that it was not intended to abrogate the previously existing laws of the new territories further than was expressly declared, nor all at once to abolish or preclude the powers of legislating and of administering justice, which the Company had obtained from the former governments, but only to subject these to the control and regulation and to the will of the Crown and Parliament, at the same time that means were afforded to the Indian Government of bringing the whole territories gradually into a subordination to the settlement at Fort William, and of making regulations by which, under the control of a Supreme Court of Justice, one uniform system of law and government, not repugnant to the laws of England, might ultimately be established. To leave for a time to the old forms of government a distinct existence was not only the course which the difficulties of the case seemed to point out, but it was, perhaps, in some degree, required by good faith, and was recommended by considerations of humanity. It seemed to be implied in the grant by which the Dewanny had been given up, and in the agreements which the Company had made with the Subahdars whom they had set over the provinces, that for a time at least the Nizamut or Mahomedan government of the provinces should be maintained. The Crown and Parliament, though they had been no parties to the agreements, had not cancelled them, and were certainly bound in justice, if they took any benefit from them, to observe the conditions which might be annexed; and although the obvious intention of those who were parties to the grant of the Dewanny, and the plain meaning of the words were only that the Mogul Emperor should not be called upon for any of the expenses of the Nizamut, it might be contended, that the use of the terms "Nizamut" and "Dewanny," which were well known offices, including the whole government, implied some retention of its Mahomedan forms and character, and under the existing arrangements with the titular Subahdar, there was a system of Mahomedan government in action in the provinces, at the head of which was placed a native, nominated by the Company as Naib Subah or Deputy Subahdar. Upon the supposition, that the statute established the sovereignty of the British Crown over the provinces, it would have followed, but for these considerations, that the existing inhabitants would have become, not naturalized, indeed, but still British subjects, though with the liberty of removing themselves and their property. Lord Mansfield's declaration of the law on this point, in the case of *Campbell* against *Hall*, in the very year in which the Charter of Justice was granted, must be held to be conclusive, and to have expunged the barbarous tenets of some lawyers of a former time, that a people uninstructed in the Christian religion could neither claim protection as their right, nor owe allegiance as a duty, to the British Crown. But if the Act and Charter passed upon the supposition of the Nizamut and Dewanny being maintained in their Mahomedan form, except where Parliament had expressly altered them, or might afterwards interfere to do so, those who at the time were living under the Mahomedan system of government in the provinces, might be considered as entitled, notwithstanding the territory had become British dominion, to stand in something like the same relation to the British Crown, as the European inhabitants of factories had been permitted to maintain with the Mogul Sovereigns and other Indian Princes, a relation which preserved to them their character and rights, respectively of British, French, or Dutch subjects, though inhabiting the territories of a foreign Sovereign. It was no longer indeed, as it seems to us, possible to contend, that the natives born subsequently within the provinces would not be subjects of Great Britain, but they might perhaps be considered to be so by reason of their being subjects of an Indian realm which had become a dependency of the British Crown and Parliament, but which still retained, by permission of Parliament, some distinct powers of legislation, and of administering justice, as portions unabrogated of their former laws. It was the more reasonable to lean to this interpretation, because the Mahomedan and Hindu inhabitants of these provinces, like the clients under the Roman law, or the vassals of the feudal system, and indeed the common people in every other state of government in which numerous chieftains or heads of political or religious classes exist, had been accustomed to think more of their fealty to the immediate chief, upon whose land, or under whose protection or patronage they lived, than of the allegiance due to a common and supreme sovereign; the country was in a state in which the people ranged themselves under different flags, rather than according to boundaries of territory; the Hindus and Mahomedans could not suddenly, and all at once, have been brought under an entirely new and fundamentally different system of laws, without the most extreme difficulty and inconvenience; and as to the

Mahomedans,

Mahomedans, there was the further consideration, that their Koran enjoined obedience to those rulers only who protected their religion. No lasting inconvenience was necessarily connected with this view of the case, treaties among Indian Princes, unless there was some special provision in them of a more permanent character, had been for the most part considered by themselves as binding only during the lives of those by whom they were made. Subsequent experience has shewn, that the expounders of the Koran find no difficulty in reconciling the allegiance of Mahomedans with that degree of toleration and protection of their religious usages, which the British Parliament has felt no difficulty in sanctioning; and as far as it was consistent with treaty, the Parliament is supposed to have always had the power and right, whenever it might choose to interfere, of modifying and altering those remnants of Mahomedan government which it permitted to exist in a distinct state. Thus the subsequent existence of the Nizamut is reconciled with the statute of 13 Geo. III. c. 63; but is not supposed to have been left upon so stable a foundation as to have prevented it from being moulded into a more British form, when those were dead who had personal claims to insist on its continuance; and when the next generation of natives, without any abrupt offence to their prejudices and habits, might be brought more immediately under the influence of British institutions. The exercise also of certain powers by the British Government is explained, which cannot, strictly speaking, be shown to be derived from Parliament, though subsisting only by its permission, and to be exercised in subordination to its authority and will.

16. The first establishment of the Supreme Court of Judicature at Fort William was directed by the statute on which these observations have been made. The object in making them has been to explain the powers and jurisdiction which were given to the Court, and to show at the same time how imperfectly defined were the foundations on which it was placed, and by how many obscure difficulties it was surrounded. For these purposes there are still some other facts which it is necessary to revive and bear in mind. The East India Company had very early been empowered to establish Courts, and in many cases to put in force within their settlements and factories the English laws, and a similar power was given to the new Company by the Charter of the 10 William III.; but in 1726 these Courts had been superseded, and there had been established at each of the settlements of Madras, Bombay and Calcutta, by Royal Charter, a Court consisting of a Mayor and Aldermen, for the trial of civil actions, and a Court of Oyer and Terminer, consisting of the Governor and Council, for the trial of criminal offences, and the Governor and Council were also constituted Justices of the Peace, and had continued to be so from that time. This Charter was surrendered, and a new one granted in 1753, with some alterations; but not such as to change materially the structure of the Courts as stated above. These Courts at Calcutta were acknowledged by all persons after the conquest of Clive, to be no longer sufficient for the administration of justice. Besides their powers of political government, and their rights connected with the general revenue under the grant of the Dewanny, the Company claimed the three districts of Burdwan, Midnapore and Chittagong, as entirely belonging to them, and the property also of a large zemindary lying to the south, but beyond the boundaries of Calcutta; and they had enjoyed for themselves and their servants the privilege of trading free of duty throughout the provinces. There had been several factories and smaller stations, called Aurungs, in different parts of the provinces, where their agents and servants, and makers of salt, and weavers, and other persons employed by them, or living under their flag and protection, were collected, and whence the upper agents traversed the country in all directions: some of them were guilty of many violent and oppressive acts, and a state of the greatest disorder had ensued. It was expressly with a reference to these circumstances, to the insufficiency of the former Courts, and for a remedy of these evils, that the new Court was directed to be established; and the statute fixed the outline of its powers and authority, which were to be more distinctly and specifically developed in a charter to be granted by the Crown in pursuance of the statute.

17. The statute provided that the Court should exercise all civil, criminal, admiralty and ecclesiastical jurisdiction, and that it should be a Court of Oyer and Terminer and Gaol Delivery, for the town of Calcutta and factory of Fort William in Bengal, and the limits thereof and the factories subordinate thereto; and that the charter to be granted by the Crown, and the jurisdiction and powers to be

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

thereby established, should extend to all British subjects who should reside in Bengal, Behar and Orissa, or any of them, under the protection of the Company; and that the Court should have full power to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanors or oppressions, and to hear and determine any suits or actions against any of His Majesty's subjects in Bengal, Behar and Orissa, and any suit, action or complaint against any person who at the time of the cause of action arising should be employed by or in the service of the Company, or of any of His Majesty's subjects, and should hear and determine any suits and actions of any of His Majesty's subjects, any inhabitant of India, residing in Bengal, Behar and Orissa, upon any agreement in writing where the cause of action should exceed 500 Rs., and where it should be agreed that in case of dispute the matter should be determined in the Supreme Court, and that such suits or actions might be brought in the first instance before the Court, or by appeal from the sentence of any of the Courts established in the provinces. That the Governor General and Council, and the Chief Justice and other Judges of the Supreme Court, should have full power and authority to act as Justices of the Peace for the settlement at Fort William, and the several settlements and factories subordinate thereto, and to do all things to the office of a Justice of the Peace appertaining, and for that purpose the Governor and Council were authorized and empowered to hold Quarter Sessions at Fort William four times in the year; that in cases of indictment or information laid or exhibited in the Court of King's Bench in England, for misdemeanors or offences committed by Governors or Judges in India, the Court of King's Bench might award a *mandamus* to the Supreme Court, requiring it to examine witnesses and receive proofs, and to issue such summons or other process as might be requisite for the attendance of witnesses; and in case of any proceedings in Parliament touching any offences committed in India, that it should be lawful for the Lord Chancellor, and Speakers of the two Houses, to issue their warrants to the Governor General in Council, and the Judges of the Supreme Court, as the case might require, for the examination of witnesses; and such examinations duly returned should be good and competent evidence. A like power of directing to the Supreme Court writs of *mandamus*, or commissions to take evidence, was given to all the King's Courts at Westminster in actions or suits of which the causes should have arisen in India, but an exception was made that depositions taken in this manner should not be evidence in capital cases, unless in Parliament.

18. In stating the fuller and more express ordinances of the Charter by which, in the following year, the Court was established, it may be as well, for the sake of brevity, to pass over the authority of the Court as a Court of Equity, of Admiralty, and an Ecclesiastical Court, and to describe only its other powers and jurisdictions, namely: First that which the Justices of the King's Bench have in England by the common law, and to be exercised especially for the conservation of the peace; secondly, the hearing and determining of pleas in civil actions; thirdly, its jurisdiction as a Court of Oyer and Terminer and Gaol Delivery; and fourthly, powers to be exercised in assistance of the proceedings, criminal or civil, instituted in Parliament, or in the Superior Courts in England for causes of action or offences in India; and it ought to be borne in mind, that whatever reason there may be to suppose that the statute of the 13 Geo. III. c. 63, was somewhat imperfectly worded by reason of its being the production, not of calm leisure and clear views, but of a struggle of parties, after the attention of all had been exhausted and their conceptions disturbed by the disputes of several successive Sessions, there is no ground for thinking that the Charter itself, though its form must have depended in a great measure upon the statute, was drawn up otherwise than with great care. The case of *Campbell* against *Hall*, which was heard and decided in that very year, shows how much the minds of some of the principal lawyers of the time, and especially Lord Mansfield, had been engaged in those great questions which the Charter involved; and it is known that it was subjected to the inspection of Lord Thurlow, Lord Loughborough, Lord Bathurst, and Lord Walsingham, and received their corrections and amendments.

19. Justices of the Peace had been established at Madras, Bombay and Calcutta, since 1726, and the statute of the 13 Geo. III. c. 63, enacted, that the Governor General and Council, and the Judges of the Supreme Court, should be Justices of the Peace for the settlement of Fort William and the settlements and factories subordinate thereto; and the Governor General in Council were directed to hold

Quarter

Quarter Sessions at Fort William. By the Charter which followed the statute, the Court of Quarter Sessions and the Justices were made subject to the control of the Supreme Court for any thing done by them while sitting as a Court of Quarter Sessions or in their capacity of Justices, in the same manner and form as the inferior Courts of Magistrates in England are by law subject to the order and control of the Court of King's Bench; and the Supreme Court was empowered to issue to them writs of *mandamus*, *certiorari*, *procedendo*, or error. By the fourth clause of the same Charter it was ordained, that the Judges of the Supreme Court should respectively be Justices and Conservators of the Peace, and Coroners within and throughout the provinces, districts and countries of Bengal, Behar and Orissa and every part thereof, and should have such jurisdiction and authority as Justices of the Court of King's Bench have within England by the common law thereof. It has not, as far as we are aware, been questioned that under these provisions there was given to the Supreme Court the same power and control over the Court of Quarter Sessions and over any of the individuals, amongst whom was each of the Judges themselves, who were constituted Justices of the Peace, as the Court of King's Bench has over Justices of the Peace in England; nor can it reasonably be contended that the authority of the Judges in this respect was limited to the settlement at Fort William and the factories and places which had been subordinate to the settlement before Clive's conquest; for, first, not only were the powers given in the fourth clause of the Charter expressed to be such as the Justices of the King's Bench had by common law, which, not being those of local Conservators of the Peace merely, nor such only as were possessed by the other Judges, are known to have extended wherever the King's Peace was to be preserved; but those who framed that clause of the Charter, as if to prevent the possibility of doubt, took care to employ the words "throughout the provinces and every part thereof;" words which, except by a counsel in support of his case, can never be supposed to have been heedlessly used; or to have been meant when sanctioned by the Great Seal, to be treated as an empty form by the Judges to whom the Charter was given as the text of their duties. Secondly, the principal motive which led to the establishment of the Court, was a desire to prevent the violence and oppression of which British persons and other agents of the Company were guilty in the provinces, and for the correction of which the former Courts were declared insufficient. This could not have been expected of the Court if the Judges were to have power, as Conservators of the Peace only at Fort William or in the scattered factories, and to be powerless in the interjacent spaces, whilst British persons, who were acknowledged to be independent of the Nizamut and Mahomedan laws, might range the provinces at large. If a murder was committed, or false imprisonment made in the provinces by a person amenable only to the Supreme Court, it was necessary that the Judges, as Coroners and Conservators of the Peace, should have a right of instant investigation and of affording immediate relief. Their powers would not have been adapted to the increase of territorial acquisitions, or in any way more effectual than those of the former Justices of the Peace, if they had been confined within the same bounds. Thirdly, it never has been contended that writs of *habeas corpus* to release from wrongful imprisonment may not be issued, or that they have not been lawfully issued to British persons in the provinces; and we apprehend that it is upon the fourth clause of the Charter that the power of issuing any writ of *habeas corpus* at all will be found to rest; and that in this respect at least that clause is something more than idle words, and that the powers of the Judges given to them by it, are not merely those of ordinary Justices, but such as belonged to the Justices of the King's Bench by the common law. Fourthly, it was in no way inconsistent with the supposition of the provinces being a distinct subordinate realm, that the King should appoint Conservators of the Peace there with the fullest power. It never has been questioned, that the process of the Court as a Court of Civil Pleas and a Court of Oyer and Terminer was intended, as against British persons, at least to run through every part of the provinces, and for the purpose of enforcing the attendance of witnesses; this has not been restricted to British persons, but is compulsory upon the native inhabitants, as well as others. This being the case, it would have been difficult to find any good reason for confining to narrower local bounds the powers given to the Judges for the conservation of the peace; nor has there ever been any way in which the process of the Court, in any of its several capacities, could be effectually enforced or supported, unless by a co-extensive power of preventing a riotous resistance of it. Lastly, this point seems to be placed beyond doubt by the 33 Geo. III. c. 52,

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

s. 151, in which it is declared, that the Governor General in Council, and the Judges of the Supreme Court, had theretofore been authorized by the law to act as Justices of the Peace within and throughout the provinces, districts and countries of Bengal, Behar and Orissa; and since that statute, under commissions authorized by warrant of the Governor General, but issued by the Supreme Court, and sealed with the seal thereof, there having been Justices of the Peace resident in all parts of the provinces, who are acknowledged to be, in that capacity, subject to the control of the Supreme Court, and whose proceedings may be removed into that Court by writ of *certiorari*. Supposing it then to be beyond dispute that the powers given to the Court in 1774 by the fourth clause of the Charter, were not limited to the settlement at Fort William and the subordinate factories, but extended throughout the provinces, the reasons for thinking that the native inhabitants were not exempted from them, are, first, that in that passage of the Charter no such exemption is made; secondly, that the nature of the power, and the objects of it, are absolutely incompatible with any exemption of particular classes of persons. No Conservator of the Peace at any time or place, no Justice of the Peace at present in the provinces, could make any distinction of persons in the discharge of his peculiar duties. If an affray or riot takes place, especially in the night time, it is impossible that there can be any selection of the rioters. If one of the Council or a Judge of the Court in 1775, or at any time previous to 1793, when they were the only Justices of the Peace, should have been resisted, and himself or his assistants imprisoned or maltreated by natives when he was discharging his duty as a Justice of the Peace in the provinces, even though the primary cause of his being called upon to act might have been a breach of the peace by a British person, it could not have been maintained that the Court had no power to protect him, or release him from imprisonment; and there seems to be equal reason in law, that the same power should have continued to subsist for the support and protection of those who act under the Commission of the Peace, which is issued by the Court, and whose proceedings under that commission are expressly subjected to the control of the Court. If a criminal in the provinces, amenable to the British law and to the Supreme Court, and to no other tribunal, be harboured and abetted by natives, surely they are not to set at defiance the Justice of the Peace who is to apprehend him, and the Supreme Court to whom the Justice is answerable. We are aware of its having been said, that the Charter exceeded in some particulars, and went beyond the words of the statute. We do not admit this to have been the case; but consider, on the contrary, that the directions of the statute, that the Court should exercise all criminal jurisdiction, and that the jurisdiction should extend to all the King's subjects who should reside in the provinces, implied and made it absolutely necessary that there should be a power similar to that of the Justices of the King's Bench, extending throughout the provinces; but even if this necessity had not been created by the statute, the Charter, for every purpose that was within the King's prerogative, and which was not prohibited in express terms by the statute, would not have been the less valid and effectual. Supposing the provinces to have become British dominions, then whether the statute sufficiently declared that the Judges of the Supreme Court were to be Conservators of the Peace throughout the provinces or not, it is certain that it did not constitute any other persons, so as to preclude the Crown from exercising its prerogative of entrusting that duty to the Judges. The will and intention of the Crown upon this point, was declared in very plain words in the fourth clause of the Charter, and the power there given, (whether it was or was not meant that there was to be any concurrent power, surviving out of the former Mahomedan government,) was indicated both by the words, and the nature and objects of the power, to be one which was to operate upon all within the sphere of its action, without distinction of persons.

20. A second branch of authority and jurisdiction given by Charter was that of hearing and determining all pleas, real, personal or mixed, respecting things real or personal in Bengal, Behar or Orissa, and all pleas of which the cause should accrue against the East India Company, or any of the King's subjects who should be resident within Bengal, Behar or Orissa, and against any other person who at the time of action brought, or cause of action accruing, should be directly or indirectly employed by or in the service of the Company, or any other subject of the King; and in cases in which the cause of action should exceed 500 rupees, against every other person whatsoever inhabitant of India, and residing in Bengal, Behar or Orissa,

Orissa, who should agree in writing, that in case of dispute the matter should be determined in the Supreme Court; and in such cases it was provided that if the suit should be brought in any of the Courts of Justice already established in the provinces, either party might appeal to the Supreme Court, which might by writ command the parties to surcease proceedings in the Provincial Court, and take upon itself the determination of the suit.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

21. A third branch of jurisdiction was that of a Court of Oyer and Terminer for the town of Calcutta and factory of Fort William, and the factories subordinate thereto; and the Charter empowered the Court to try all crimes and misdemeanors committed within the town or factory, and the other factories, and to inquire, hear and determine, and award judgment and execution of, upon and against all treasons, murders, crimes, misdemeanors and oppressions committed in the provinces or countries called Bengal, Behar and Orissa, by any of the subjects of His Majesty, or any person employed by or in the service of the Company, or of any subject of His Majesty, and for this purpose to award and issue writs to the Sheriff to arrest and seize the bodies of such offenders, and to do all other necessary acts.

22. If these parts of the Charter, without a reference to those treaties, agreements and circumstances which we have before noticed, had been strictly insisted upon and rigidly enforced, it seems to us that it might have been very difficult to maintain in law, that subsequently to the 13 Geo. III. c. 63, and supposing the provinces to have become in any manner dominions of the King, there could be any person domiciled within them, unless it might be the inhabitants of the European factories, who were not to be considered for the time at least subjects of His Majesty, and consequently, according to the words of the Charter, amenable to the Supreme Court, both in civil and criminal suits; but by an indulgent construction of the Act and Charter, in conjunction with the agreements which had been made by the Company with the Native Princes, and by supposing that such parts and powers of the old governments still subsisted as were not expressly superseded by the statute or Charter, those who could be considered as living under the protection of the Nizamut or Mahomedan system of law and government over which the Naib Subah had recently been placed, seem, from the first, to have been held upon the grounds which have been already stated, to be exempted from the jurisdiction of the Supreme Court as a Court of Pleas and Court of Oyer and Terminer; but even these were held liable to be summoned and compelled to attend the Court as witnesses, and without such a liability the Court would have been unable to perform many of the important functions expressly and unambiguously assigned to it by the Crown and the Legislature.

23. These complicated circumstances, of which we have endeavoured to present an accurate statement, could not subsist for any length of time in the indistinct form in which they were left without disturbance. Those disputes and disgraceful contests between the Governor and Council on the one side, and the Judges on the other, ensued, on which we wish to make only one observation, namely, that an impression has been created that the Judges greatly exceeded their authority as defined in the Act and Charter, but that we believe it will be found on examination that this was not the case, nor considered by the Parliament to be so; and the Act of the 21 Geo. III. c. 70, in which it was found necessary to provide an indemnity for the unlawful resistance of the Court by the Governor and Council and the Advocate General, made no similar provision for the Judges. The misfortune appears to have been, that the Legislature had passed the Act of the 13 Geo. III. c. 63, without fully investigating what it was that they were legislating about, and if the Act did not say more than was meant, it seems at least to have said more than was well understood.

24. Some important enactments were accordingly made by the statute of the 21 Geo. III. c. 70, as to the powers and jurisdiction to be exercised by the Court in future: First, that the Court should not have any jurisdiction in any matter concerning the revenue, or acts done in the collection thereof according to the usage of the country, or the regulations of the Governor General and Council; and it was expressly declared to be expedient that the inhabitants of the provinces should be maintained and protected in the enjoyment of all their ancient laws, usages, rights and privileges; the Governor General and Council were declared to be a Court of Record, which might lawfully hold all appeals from the Country or Provincial Courts in civil causes, with a further appeal to His Majesty in Council in suits, of which

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

the value should be 5,000*l.* and upwards; that the same Court of the Governor General and Council should hear and determine all offences, abuses and extortions in the collection of the revenue, and punish the same at discretion, provided that the punishment did not extend to death, maiming or perpetual imprisonment; and that the Governor General and Council should have power to frame regulations for the Provincial Courts, which His Majesty in Council might disallow or amend; that no person shall be subject to the jurisdiction of the Supreme Court by reason merely of his holding land, or collecting the revenue from lands held by him, or under him; nor in any matter of inheritance or succession to land or goods, or ordinary matter of dealing or contract, by reason of his being in the service of the Company, or the Government, or of any native or descendant of a native of Great Britain, but only in actions for wrongs, or upon special agreement in writing, to submit to the decision of the Supreme Court. The Governor General and Council were exempted from the jurisdiction of the Court for any act or order done or made by them in their public capacity; and a similar immunity was extended to those acting under such order, unless it shall extend to any British subject, in which case the jurisdiction of the Court was retained. The Governor and Council in other cases continue to be responsible to Courts in England; and provisions were made for the parties obtaining through the Supreme Court copies of any orders complained of, and also having the evidence in India taken by the Supreme Court. Provincial Magistrates, as well natives as British subjects, exercising judicial offices in the Country Courts, were exempted from actions in the Supreme Court for wrong or injury for any judgment, decree or order of their Courts; and the like exemption was extended to all persons acting under such orders; and in case of an intention to bring any information in the Supreme Court against any such Officer or Magistrate for any corrupt act, a certain notice was directed to be given before the party could be arrested, or other proceedings could be taken against him. There was a proviso in the Act, that the Supreme Court should have full power and authority to hear and determine all and all manner of actions and suits against all the inhabitants of Calcutta; but that the inheritance and succession to lands and goods, and all contracts, should be determined by Mahomedan or Hindu law respectively, where the defendant was a Mahomedan or Hindu; that the rights of fathers and masters of families should be preserved; that nothing done according to the law of caste within the family should be deemed a crime; and that the process of the Court should be accommodated to the religion and manners of the natives.

25. It is deserving of remark, that in the statute, although the existence of the Provincial Courts for the determination of civil causes is noticed, and the Governor General and Council are empowered to correct abuses in the collection of the revenue by any punishment short of death, maiming or perpetual imprisonment, there is no Provincial or Country Court of Criminal Justice mentioned; and up to the time at least of that statute, the Supreme Court as a Court of Oyer and Terminer, and the Court of Quarter Sessions, are the only ones recognized by statute as capable, in the Presidency of Fort William, of hearing and determining charges of crimes and misdemeanors against the law, other than abuses in the collection of the revenue. In fact, the present Nizamut Adawlut, and the whole system of Criminal Courts subordinate to it, have not been founded by a power created by the Crown or Parliament; they were referred to in the last statute by which the Government of India was renewed, namely, the 53 Geo. III. c. 155; but they were formed as British Courts by regulations of the Governor General in Council, upon and out of the still subsisting Mahomedan Criminal Courts over which the Naib Subah had presided, and they are a continuance of those Courts in a regulated form, not a new creation. In 1773 there had not been any power created by the Crown or Parliament under which, except for revenue offences, the Indian Governments could establish Criminal Courts subsequent to the Charter of the 10 Will. III., and the powers of establishing Courts given in that Charter seem to have been entirely superseded by the Charters of 1726 and 1753.

26. Since the Act of the 21 Geo. III. c. 70, the jurisdiction which the Supreme Court possessed in Bengal, Behar and Orissa has been extended over all the vast territories which are now under the Presidency of Fort William, and there have been several enactments affecting the Court in various ways; but it is not necessary to state them seriatim. The foundations of its jurisdiction have been shown, and it appears to us: first, the Court has now by law the superintendence and control of the Commission of the Peace throughout every part of the provinces of
the

the Presidency of Fort William, in the same way as the Court of King's Bench has it in England; that the power of Justices of the Peace is one which, for the most part, must of necessity be exercised without discrimination of persons, and that the superintending power of the Court is of a corresponding character; that as a branch of the power given to it by the fourth clause of the Charter for the conservation of the peace, and for the kindred object of relief against oppressions, which are immediately consequent upon breaches of the peace, the Court possesses and exercises the power of issuing writs of *habeas corpus* to relieve from false imprisonment; that this power is not locally limited to the town of Calcutta, but is co-extensive with the superintending powers of the Judges, as supreme conservators of the peace; and that inasmuch as British persons at least and natives employed by the Company or the Government, or any other British persons, are liable to be sued in the Supreme Court for trespasses, or indicted for offences committed in the provinces; and that for any corrupt act an information will lie against a judicial officer, whether native of European. It would be incongruous if a writ of *habeas corpus* might not be directed to any of these, if the act complained of should include a continuing and subsisting false imprisonment. With respect also to the natives generally who reside in the provinces under the Mahomedan law and the regulations of Government, it would be uncandid if we were not to admit, that before we saw the decision of the Privy Council upon the petition of Sir John Grant we should have said, upon a mere question of legal construction, that the Court had a right to direct a writ of *habeas corpus ad subjiciendum* to a native, for the purpose of relieving another native from false imprisonment, because we look upon this writ as a branch of the powers given by the fourth clause of the Charter, principally and especially for the conservation of the peace and other objects closely connected with it; and conceiving that those powers must generally extend in law to all classes of persons where they operate at all, we should have been at a loss to find any legal ground for restricting the use of that particular writ in a different way from the exercise of the other powers derived from the same clauses and sentence of the Charter. At the same time we would wish it to be understood, that we have never considered that in such a case the statute of Charles II, would be compulsory upon us, but that the application must be made under the fourth clause of the Charter, and upon the ground of our having a similar power to that which the Justices of the King's Bench have at common law; and as we should always have thought, that in those circumstances we should have had to exercise some discretion, we do not conceive, that we should have issued the writ upon the complaint of a native against a native resident in the provinces, where there was any other lawful power competent and willing to afford more convenient relief. The decision of the Privy Council we receive with the utmost deference, and we are bound by law, and feel every inclination to regulate our proceedings by it; but it is only the more necessary for us, on this account, at a time when we are informed that an act is about to pass declaratory of the jurisdiction of the Court, to point out that questions of difficulty may arise upon that decision. If a British person, especially a Justice of the Peace, or his assistants, should be opposed, and any of them should suffer false imprisonment from a native in the provinces, is the Court without power to relieve them, when, if the party, being a British subject, should apply to the Government, and the Governor General in Council should make any order in support of the native complained of, those at least who should act under the order would be liable, as persons employed by British subjects, to the jurisdiction of the Supreme Court, by the express reservation in the 21 Geo. III. c. 70, s. 3. The jurisdiction of the Court, as a Court of Civil Pleas, since the statute of the 21 Geo. III. c. 70, extends first to the hearing and determining of all manner of actions against the inhabitants of Calcutta, and on account chiefly of the innumerable difficulties which British persons would have to encounter in pursuing their claims in the Country Courts. This term "inhabitants" has always been understood to have been intended by Parliament to comprise all who have dwelling-houses, and carry on trade in Calcutta. Secondly, the Court has jurisdiction over all actions of a transitory nature, and all of a local nature, of which the cause arises in any of the provinces of this Presidency, against any subject of the King residing in these provinces at the time of the cause of action accruing or action brought, or any person residing there, who shall have agreed in writing to submit the matter, in case of dispute, to the Supreme Court, and without any agreement against any person in the service of the Company, or of a British subject, for any wrong or injury; but the whole of

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

this jurisdiction is subjected to exception, that the Court is not to interfere in any matter arising out of the collection of the revenue; and the terms "subjects of the King" is certainly now to be construed with a reference to the considerations before mentioned, and to the provisions in the statute of 21 Geo. III. c. 70, by which it was declared that the Mahomedans and Hindus were to have their own laws, and that there were Courts in the provinces for the administration of them in civil cases, from which the appeal lay to the Governor General in Council. The jurisdiction of the Supreme Court, as a Court of Oyer and Terminer, is established first throughout certain places within which it operates, without any distinction of persons. In practice, these have for many years been considered to be contracted to the limits merely of the town of Calcutta, and any factories which may at any time be subordinate to it, and there is a provision by statute, under which the limits of the town of Calcutta have been settled by the Governor General in Council; but originally the local jurisdiction of the Court of Oyer and Terminer, according to the words of the statutes and charters, included at least a surrounding district, as well as all the outlying factories, and as a legal question, it is not free from uncertainty what the limits are now. Chinsurah in Bengal, and Penang, Singapore and Malacca, stand in this respect in a very singular predicament at present, which will be easily understood by a reference to the statutes which provided for the Dutch possessions that were ceded in 1824 being transferred to the Company, and when in relation to the three last-mentioned places, the fact is adverted to, that the Presidency of Prince of Wales Island has been recently abolished by the Directors, and that the places of which it consisted have been made dependencies of Bengal, but that there is still a Charter of Justice for the Presidency uncanceled, but under which there is no body in India now who is authorized to act. Secondly, the Court of Oyer and Terminer has a power of trying all offences committed by His Majesty's subjects or any person employed by them within the Presidency, or by any of His Majesty's subjects anywhere between the Cape of Good Hope and Straits of Magellan, but in this instance also, the term "subjects," it seems, is to be construed with nearly the same restrictions that have been noticed in speaking of the jurisdiction as a Court of Civil Pleas, although, as it has already been observed, the Criminal Courts in the provinces do not date their origin from any Parliamentary enactments. By the recent statute of 9 Geo. IV. c. 74, ss. 7, 8. 56. 70, provisions are made, without any distinction between native and British persons, for the trial by the Supreme Courts of particular offences, whenever the offender is apprehended or found within the jurisdiction of the Court, although the offence may have been committed elsewhere. In cases of Hindus, however, the Court is forbidden by the 21 Geo. III. c. 70, s. 18, to treat as a crime anything which is done within the family of the party according to the law of caste, and the same statute, by the 8th section, seems to prohibit the Court in its capacity of a Court of Criminal Justice, no less than as a Court of Civil Pleas, from having any jurisdiction, as to anything done in the collection of the revenue, according to the usage or to the regulation of the Governor General in Council. It is not necessary to state over again the powers which are to be exercised by the Court in assistance of the Superior Courts in England, or of proceedings in Parliament; but we wish them to be borne in mind, more especially for the purpose of showing the necessity which there is, if these duties are to be required from the Court, that its process for the procuring of witnesses and other purposes should be effectual in all parts of the provinces. This necessity, indeed, is found equally in the exercise of its jurisdiction as a Court of Civil Pleas and a Court of Oyer and Terminer, and without a power to take the lands as well as the persons and goods of those who are liable to be sued in the Court, its judgments, in many cases, would require to be aided by the Government, or the Courts established in the provinces, and to make that aid effectual, it ought not to be precarious, but a matter of right. These observations, however, are applicable to the supposition of the Court continuing for the most part as at present constituted; if the alterations recommended in the latter part of this letter should be thought deserving of attention, there would be an opportunity, by means of a Legislative Council, of providing, with the sanction of the Governor General in Council, for the execution of the process of the Court, notwithstanding any contraction of its sphere of jurisdiction. At present there are statutes of later dates than these already mentioned, which have created additional occasions for the exercise of the powers of the Court in the provinces, as for instance, in taking evidence upon Divorce Bills in the House of Lords; and the 26 Geo. III. c. 57, presents cases in which the Court would have to enforce in any part of the Presidency,

by

by Exchequer process, the execution of judgments obtained in England. In addition also to these branches of jurisdiction, though it is necessary to abstain from stating them at length, it must not be forgotten that the Court has extensive powers, which must be exercised in the provinces, as incident to its other jurisdictions, especially that of a Court of Equity, and that of a Court for the relief of insolvent debtors.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

27. Such, as far as we can conveniently state it in this letter, we conceive to be at present the power and jurisdiction of the Court according to law; and if it should be thought right, either by a declaratory statute or by new enactments, to take away any part of it, or to correct the mistaken supposition of its existence, we hope it will not be forgotten that distinct provisions ought to be made by which it may appear how the same objects are to be accomplished, and the same occasions are to be answered by some other tribunal or power. We have next to advert to various circumstances which, in some respects, have thrown doubt and obscurity upon the jurisdiction of the Supreme Court, which in others impede its powers, and in many make it doubtful whether the exercise of them be productive of good or evil.

28. The Court was founded with views which have never been accomplished, and many of the original provisions are necessarily ill suited to the state of things which has ensued, so different from that for which they were intended. It appears to have been thought by those who framed the statute of 13 Geo. III. c. 63, that by opening a Court of British law, and by giving to Government and the Court together a power of making regulations, all the British possessions and system of Government, and the whole people, might have been gradually brought to range themselves in subordination to that Court and Government, in a state of union; but from a train of circumstances, which need not be discussed here, the Court and Government were very soon placed in a state of opposition, and the inhabitants were studiously divided. The jurisdiction which the Court has subsequently exercised has always been essentially of a very peculiar character, and has had many difficulties inseparably connected with it. It is an exclusive personal jurisdiction as to a particular class, thinly scattered over a wide extent of country, amongst a dense population, who are considered to be themselves, for the most part, exempt from the jurisdiction and to live under a very different system of law. In every part of these territories, nevertheless, the process of the Court must be enforced, and even lands must occasionally be seized and divided or sold, although there is an absolute prohibition against the jurisdiction being exercised in any matter of revenue, which revenue is, in fact, a share, and a very large one, in every parcel of land throughout the Presidency.

29. These difficulties are aggravated by an obscurity which has been permitted to hang about the relations in which the Indian territories and the Company stand to the Crown and Parliament. Our own view is plainly and simply that the bulk of the Indian territories must be considered as having been annexed by conquest and cession to the Crown of the United Kingdom, but subject, of course, to the observance of all treaties, capitulations and agreements, according to the real intent and meaning of them, which have attended any cession, and which still continue in force; that to a certain extent British law has been introduced, but that, on the other hand, a very large portion of the old laws of the country have been left standing, though under the administration of British persons, the leading distinction being that British law and British Courts have been introduced for British persons, and Mahomedan Courts and laws permitted to remain for Mahomedan and Hindu persons; and these Mahomedan laws and Courts have been subsequently modified by a certain legislative or regulating power, which itself also has been a continuation of the old legislative powers of the Native Government, permitted, and in some instances recognized, by Parliament. The sovereignty of the Crown of the United Kingdom we hold to be established throughout all the provinces which have been formally annexed to the Presidencies, and as an incident of the sovereignty, that the King in Council has in some cases the actual exercise, and in all the right, whenever the Crown may see fit to exercise it, of deciding upon appeals in the last resort, and superintending the administration of justice; that the Imperial Parliament has as absolute a right of legislating for all purposes as in the United Kingdom itself; but that the East India Company, in consequence of a long chain of events, being the most convenient depository and organ of the powers which it is necessary should be in action upon the spot, have had the Government principally entrusted to them; and being thus put in the place of those parts of the old Governments, by which the ancient and still

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

subsisting laws and legislation of the country were wont formerly to be carried on, they exercise, through the Governors in Council and their officers, not only the functions specifically assigned to them by the Crown and Parliament, but some powers also in the administration of justice and in legislation, which, as we have already explained, are not, strictly speaking, derived from the Crown or Parliament as their origin, but are portions of the old institutions, which have been permitted by the Crown and Parliament to continue, and have been by Parliament entrusted for limited periods to the management of the Company, and recognized as subsisting in their hands. Excepting any formal questions which may arise out of the titular honours and nominal authority enjoyed by any Native Princes within the Presidencies, there are only two points on which, as far as we are aware, any positively different opinion exists. It seems to have been thought by some that the Company's powers of political government rest at present, not only upon the statutes by which they have latterly been entrusted or continued to them for limited periods, but also on those parts of the Charters of 1698 and 1726, by which they were authorized to coin money, and maintain troops, and do other acts which belong purely to political government; whereas we should be of opinion that such powers of political government as were given by the Charter for the maintenance and protection of the exclusive trade, have been merged and extinguished in the larger powers which have been given by statute for the purposes of dominion, and that there cannot now be any occasion upon which those minor powers would revive, although the Charters are not on that account the less valid and effectual to secure to the Company, at all events, their corporate capacity, their property of every sort, and their right to trade in common with other British subjects. Secondly, there is a notion which, we are inclined to think, has arisen merely from the indistinct use of a particular term; and in adverting to it, we are anxious to guard against the supposition of our having experienced any difficulty from any expression of it by those with whom our duties have brought us into intercourse. But amongst those who have treated of the subject, some certainly speak of the Company as having "*succeeded*" to the powers of the old Native Governments, and seem to found a certain claim of right upon this notion of succession; whereas we apprehend that, although to a certain extent the Company does hold the place of the old governments, it is not by any succession, as distinguished from acquisition, but that, having been the instrument and agents of conquests, or the means through which cessions have been obtained, and having come into possession in that way, they have been permitted to retain it for a certain term, by the enactments of Parliament. We may, perhaps, be in error in supposing that any consequence is attached to this distinction; the subject, however, has been so little brought forward, that the circumstance of the Crown and Parliament having exercised little or no control over some parts of these judicial and legislative powers, which have survived the old government, has been followed by an indistinctness of apprehension as to the real nature of them. The President and Board will remember, that it has heretofore been made a question, whether the Company had not, what has been called, in terms not very easy to be understood, a delegated sovereignty; at other times it has been alleged that the Mogul Emperor still retained a nominal and formal sovereignty. Some have suggested doubts whether the continuing possession of the Company, notwithstanding its being a creation of the British Crown and Parliament, is not a mark that the Indian territories have never yet been reduced into possession by the British Crown. It cannot be necessary to show, in detail, that any doubts upon points, such as these, wherever they may exist, or upon whatever occasions they may be stated, must be a source of embarrassment to Judges who have to issue process and execute judgment in the King's name, in all parts of the provinces, who may at any time be called upon to ascertain the rights in India, not only of British persons, but of the subjects of the Christian powers in amity with the British Crown, and who, in law, are supposed to have the control throughout all parts of the Presidency of the Commission of the Peace. Questions arising out of the most important statutes, such as the Navigation and Registry Acts, the Meeting Acts and others, exist in an undecided state, and are scarcely prevented, but by management, from being brought forward for decision, which, whenever it is called for, must turn mainly upon the species of relation in which the Indian territories and the Company stand to the United Kingdom. Some of the most important regulations of the Indian Government have been made without the direct or express authority of Parliament, and are most easily justified, as being the exercise of the old legislative powers of the former governments not superseded, and therefore continuing to subsist. Some

of

of the regulations, about 1793, were of this description. The imposition of taxes in the provinces is perhaps an instance, and it is a power which might come to be a subject of serious discussion, and, if British persons are to be admitted to hold lands throughout India, of vital importance.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

30. An offspring of the uncertainty alluded to in the last section is the peculiar use which has been affixed to the terms "British subjects" in the Statutes and Charters relating to India, a source of difficulties to the Court which does and will increase. The corruption of the legal signification of these important terms, seems to have originated in the difficulty which was felt in getting over the provisions of 13 Geo. III. c. 63, and of the Charter of Justice, by which the English laws were, in words, extended in these provinces to all His Majesty's subjects. The Directors, in their letter of 19th of November 1777, to Lord Weymouth, asserted that the natives were not British subjects; but, notwithstanding all the difficulties of the times, and that the Ministers were pressed by the calamities of the American war, this point was not acknowledged even in the statute of 21 Geo. III. c. 70, though expressious and clauses were allowed to be introduced in the statute, from which the result has been, that it is impossible to say who were and who were not meant to be designated by those terms. Subsequently, as the British Governments in India proceeded in organizing the judicial system for the provinces, including Criminal Courts, it became necessary that they should describe the natives as subjects at least of the British Government, and as owing allegiance to it. Under all these circumstances, if the question had been raised in any English Court of law, there would have been some difficulty in maintaining that the natives did not at any rate fall under the terms "subjects of His Majesty," wherever those words occurred in statutes relating to India. A direct decision, upon that question, however, has been avoided; and to meet the difficulty, and with a view, perhaps, to other consequences, a distinction has been set up between "British subjects," and "subjects of the British Government;" and it is maintained that generally where the term "subjects" occurs in the Indian statutes, it means "British subjects," and does not include those who are only subjects of the British Government. There is no stable nor sufficient foundation provided for this construction at present; for whatever restrictions the Parliament may think it right at any time to put upon their rights as subjects, it is certain that if the case of the *post nati* of Scotland, and that of *Campbell v. Hall*, are of any authority, and if any of the Indian provinces have become British dominions, all who are born within them are British subjects according to English common law, even though the Indian territories should be so far a distinct realm as to have a separate but subordinate right of legislation, and of holding Courts for the administration of justice. The distinction between British subjects and subjects of the British Governments in India, has never, we believe, been formally declared in any Act of Parliament, but depends upon an ill-defined supposition of the continuance of the Mahomedan laws, and upon inferences to be drawn from the use of the term "British subjects," in several Statutes and Charters relating to India, especially the 21 Geo. III. c. 70, and the Charters of the Madras and Bombay Courts, and upon a fluctuating usage, so that it is quite impossible to say with any just confidence who they are who belong to the one class and who to the other. It seems to be agreed, indeed, that the terms "British subjects," as they must necessarily include all persons born in Great Britain, or whose fathers or paternal grandfathers have been born there, so they do not include any Mahomedan or Hindu natives of the Indian provinces who are not inhabitants or natives of Calcutta, Madras or Bombay, or any other place distinctly recognized as a British settlement or factory; but between these two extremes there are many doubtful classes. Even the natives of Ireland would not necessarily fall under the terms "British subjects," as used in 21 Geo. III. c. 70, s. 10. It is understood that the lawyers of the East India Company have been of opinion that persons born in the British colonies are not, according to the use of the term in the Indian statutes, "British subjects" by reason of their birth-place, nor unless they are descended from a British born father or paternal grandfather. The natives of Jersey and Guernsey have not so strong a claim as those Christian persons born in Calcutta, Madras and Bombay, but not resident there; and Hindus and Mahomedans, under similar circumstances, are liable to still more cogent doubts. Do either Hindus and Mahomedans, or Indian Christians born in the provinces, or Christian foreigners, because temporarily British subjects while domiciled in Calcutta, Madras or Bombay, so that for offences committed beyond the boundaries

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

they would still be amenable only to the Supreme Court? Are the native Christians or the subjects of Christian Princes in amity with the Crown, who may reside in the provinces, to be classed with Mahomedans and Hindus, or with British subjects? What is the effect of the subsisting treaties with France and other Christian States in this respect? These and many similar questions do every now and then arise, and it is only by perpetual contrivance that they are prevented from becoming more troublesome. The statutes and Charters relating to India present various applications of the terms in question, and in several important instances the terms "subjects" is used by itself, and it is mere speculation and controversy whether the adjunct "British" is to be understood or not. These distinctions are the more embarrassing, because the continuance of the Nizamut, which afforded some sort of explanation of them in Bengal, Behar and Orissa, cannot be alleged in respect of other parts of India, many of which have come under the sovereignty of the British Crown by a course of circumstances which have left no shadow of any former sovereignty lingering behind, and which present no alternative but that persons born there must be subjects of His Majesty in right of the British Crown, or subjects of nobody at all.

31. The circumstance which perhaps more than any other has contributed to make the jurisdiction of the Supreme Court inconvenient, and which is perpetually brought forward as making its unfitness for the duties assigned to it, is not a vice of its original constitution, but the extension of its legal authority over the immense territories which have been subsequently added to the Presidency of Fort William. It was not, perhaps, impossible that the Court might have been made competent to exercise an effectual and salutary jurisdiction throughout all Bengal, Behar and Orissa, which comprise the whole space to which its powers at first extended, but it never could have been made convenient by any ingenuity of legislation, that its powers of original jurisdiction should be exercised even as to British persons throughout the present Presidency of Bengal, of which some parts are nearly a thousand miles distant from it, and where the means of communication are not so easy as in England; and as there has been an inclination rather to clog the powers of the Court than to invigorate them, it may easily be conceived that when called into exercise in a weak and shackled state upon so vast an area, they are at once ridiculously important, and yet very weak in the way.

32. It appears to us to be matter for regret that there has never been any plan avowed and distinctly laid down for the gradual assimilation and union of the two systems which it has been thought necessary, and which to a great extent it seems to be still necessary to maintain, for the British and the natives respectively. In 1773 there seems to have been at most only a temporary obligation to preserve any of the Mahomedan forms of Government, and they have by degrees been almost obliterated, but what has come in place of them rests partly on the old basis, and there are still two systems scarcely less averse in principle than at first, working with discordant action, and within the same space. Nothing would be more unreasonable than to attempt to impose upon India generally the British laws as they exist in the United Kingdom, or even in Calcutta; but we are confident that before this time, if there had been a hearty co-operation of all parts of the Indian Governments, one uniform system, not English yet not adverse to the constitution of the United Kingdom, might have been established in some provinces, to which both British persons and natives might have accommodated themselves, and which would have been fitted at future opportunities to be extended to other districts. This would have been done, if the whole legislative and judicial powers of Government had been under one control. But this has never been the case. The regulations of the Government for the provinces, and civil causes tried in the Provincial Courts, where the matter in dispute is of a certain value, are nominally subjected to the control of the King in Council as much as regulations which are registered in the Supreme Court, or causes heard there; but it is scarcely more than in name that this exists, and with the exception of a few appeals in civil cases, it may be said that the legislative and judicial functions of the Indian Government in the provinces, extensive and active as they are, and including the whole process of criminal law, are exercised under no other control than that of the Directors and the Commissioners for the affairs of India, whilst the administration of law for British persons in India is in theory independent both of the Indian Governments, the Directors and the Board, and British subjects who choose to abide at the seats of Government cannot be directly subjected to any legislation but

but that of Parliament, or regulations registered in the Supreme Courts. In these circumstances, it has naturally been the inclination of those who have had the principal influence in Indian affairs, to build separately upon the foundations of that system which is the most subjected to themselves, and as it were belongs to them, rather than to bring the remains of the old institutions of the country into any subordination to Courts established upon the basis of Parliamentary enactment, and in many respects certainly ill adapted to the circumstances of the country. Thus two principles of Government have been maintained in a sort of antagonism, which thwarts and weakens each, and is not in any way advantageous to either. If the one was to prevail even to the exclusion of the other, the result must be an interference of the Imperial Legislative to reduce the Indian territories to their true relation with the United Kingdom, that of distinct, but entirely dependent dominions, with peculiar though not adverse laws, separate but entirely subordinate powers of internal legislation, and an administration of justice always liable in all its branches if not actually subject to the superintendence and control of the King in Council, or some other Court of the United Kingdom, or at least of some Court constituted by the Crown. Why should not the most convenient district that can be named in these vast territories be set apart for the purpose of forming upon this basis one harmonious system, suited to all classes of persons, and compounded of the two jarring ones which at present divide the people, debilitate the administration of justice, and harass the Government. It has been said that this would be like breaking off a part of the mass for the purpose of making experiments upon it; but every body seems to be agreed that something must be done. We disclaim all thought of proceeding otherwise than with the utmost caution, and we seem to differ from those who are adverse to the selection of one province principally in this respect, that we think it wiser to attempt the introduction of a better system upon a small scale at first, and in that place only where all the force of Government may be most readily applied in its support, and where its progress would be most immediately subjected to the presence and inspection of those who must direct it.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

33. The next head of difficulties is one of which we feel considerable difficulty in speaking. But our motives, and the necessity of exhibiting the whole of the case, must be our apology for saying, that some of the inconvenience to which the Court is subjected, and some of which it is the apparent cause, are attributable to the imperfections of the Acts of Parliament and Letters Patent under which it has to act, or by which it is affected. It would seem as if, either from the intricacy of the subject, or an apprehension that difficulties would be encountered in Parliament when modifications of the powers of the Supreme Court have been desired, they have been sought not by positive and plain enactment, but by the introduction of something in an Act or Charter which, without being likely to excite too much discussion at the time, might be available afterwards as showing an intention on the part of the legislating power to make the required provision. Nothing can be more vague in most respects than the important statute of 21 Geo. III. c. 70; it provided that persons should not be subject to the jurisdiction of the Court for this or for that reason, but left it nearly as open to argument as it was before, whether all those must not be held liable who could be shown to be subjects of His Majesty; it left in the hands of the Government powers of general legislation, and of life and death, which it did not notice, while it specifically imparted to them limited powers of making regulations, and inflicting in certain cases punishment short of death. It employed the terms "British subjects" and "European British subjects" in such a manner, that it is impossible to say what was really meant by them; it impressly left to the Supreme Court the determination of all suits respecting the lands of certain classes of the natives, yet forbade it to exercise jurisdiction in any matters connected with the revenue, which is a part of all land throughout all India; and, finally, it made certain provisions for registration, which were palpably impracticable from the first, and were scarcely attempted to be carried into execution. We would rather not go through the insidious task of pointing out the indirect and inconclusive, but not therefore ineffectual provisions of later statutes; but we can scarcely avoid to notice some of the variations which have been introduced in the Charters of the Supreme Courts at Madras and Bombay, and the doubts and difficulty which arise out of them. The Acts of Parliament which directed the issuing of these Letters Patent provided, that they should confer the same powers on the new Courts as those which were possessed by the Court at Fort William; but notwithstanding this, the powers

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

granted are materially different. To pass over the differences as to the appointment of Sheriffs, and the admission of barristers and attornies, it will be found that in the definition of the jurisdiction of the more recent Courts, there are words which purport to restrict their powers generally to such persons as have heretofore been described and distinguished by the appellation of "British subjects;" whereas, as it would have seemed to us, the powers which the Justices of Peace and the Courts were to possess in the provinces as Conservators of the Peace, and as presiding over the Commission of the Peace, whether the criterion of their extent was to be the extent of those granted to the Court at Fort William, or the possibility of their being used to any good purpose, must be exercised, if exercised at all, without distinction of persons. Again, the Bombay Court is prohibited from interfering in any matter concerning the revenue even within the town of Bombay, which is directly opposed to the 53 Geo. III. c. 155, ss. 99, 100. Then all natives are exempted from appearing in the Courts at Madras and Bombay, unless the circumstances be altogether such as that they might be compelled to appear in the same manner in what is called a Native Court. This would for many purposes place the Court entirely at the disposal of the Government, who regulate the usages of the Country Courts as they please, and whether any suit arising beyond the limits of the towns of Madras and Bombay should be determined at all, or whether any offence committed there should be punished by the Court, or whether it should be able to collect evidence in aid of any proceedings in England, would come to depend entirely upon the pleasure of the Government. Whether this would be right or not is not the question; it is inconsistent with the duties assigned to the Courts by subsisting statutes. In the clause which purports to define the Admiralty jurisdiction of the Court at Bombay in criminal cases, its powers are restricted to such persons as would be amenable to it in its ordinary jurisdiction, which is again at variance with the 53 Geo III. c. 155, s. 110, if it is to be understood from this passage in the Charter, that the jurisdiction was meant to be limited to such persons as have been usually described as British subjects; but it is not very clear what is to be understood by ordinary, as opposed to any extraordinary jurisdiction of the Court, and this indeed is another species of the defects which we are noticing, namely, that limitations of the jurisdiction have been thus introduced by allusion rather than plain declaration. In one way or another, sometimes by the mention of some qualification of the powers of the Court occurring in an Act or Charter, which has been afterwards insisted upon as a recognition; sometimes by a vague recognition of counter institutions, which have been already set on foot without any express authority, and which afterwards, upon the strength of the recognition, are amplified and extended; sometimes by the jurisdiction of the Supreme Court being stated in such a way as to leave it to be inferred that the *expressio unius* is the *exclusio alterius*; sometimes by provisions, which to persons unacquainted with India may have appeared to be of little consequence, but which in reality involve a great deal; sometimes when Parliament has provided that new Courts should be established upon the same footing as the old one, by something finding its way into the constitution of the new Courts, which is essentially different from the old, and would be destructive of their efficiency. In some or all of these ways the Supreme Courts have come to stand at last, in circumstances in which it is a very hard matter to say what are their rights, their duties or their use.

34. Though we attribute the principal imperfections and inconvenience of the Supreme Court to the sources which we have described, we have already intimated that there were inherent and almost insuperable difficulties connected with its original constitution, and the circumstances with which it has always had to deal; and we by no means intend to assert, that there have never been any faults on the part of those by whom the duties of it has been conducted. The application of the forms of British law to the settlement of differences amongst the Hindus and Mahomedans, even of Calcutta, is full of difficulty; the Hindu laws especially are one of those ancient systems which have existed, in a certain stage of society, all over Asia, and a great part of Europe, and of which the main spring has been the influence of the priesthood. When this has been removed, and laws, which were calculated to be maintained by persuasion, by sacerdotal influence, or religious awe, have to be enforced by means of English Courts and lawyers and the legal process of writs of execution, it is scarcely possible that the machinery should work well. This remark is peculiarly applicable to the family quarrels of the Hindus; but the inconvenience, great as it is, seems to be necessarily connected, for a time, with the

the marvellous position in which England is placed in relation to India. The ordinary state of a Hindu family, in respect of property, is that of coparcenary between the males; but any one member has a right to claim a partition. Upon the death of a Mahomedan, his property, including land, is shared amongst his relations, according to peculiar rules, which make it necessary, for the purpose of calculation, to consider it as subdivided into very minute portions. The mode of settling all cases of this kind in the Supreme Court is by suits in equity; and it may easily be imagined, that trouble, expense and delay must attend such proceedings, in which innumerable papers and accounts of many years standing, in three or four languages, must be produced, translated, given in evidence, and investigated, and in which, after all the other difficulties have been overcome, the decrees of the Court, including partitions of interests in lands, and consequently, the inspection, admeasurement, valuation and allotment of the lands are to be carried into execution by the European officers of the Court in the provinces, where the uncertain interests of many parties, not included in the suit, are involved in the same parcels of land; where the Court is prohibited from interfering, in any way, with a revenue which is intimately and inextricably mixed up with every piece of land; and where the Court is also regarded somewhat in the light of an intruder, or, at least, a necessary evil, by the civil officers of the Government by whom the provinces are managed. Add to this, that when once dissension has arisen in a native family, nothing can exceed the perverseness with which their disputes are carried on. The object is no longer to obtain their rights, but to ruin each other. Sometimes they will make a truce for years, and then revive their contentions with fresh zeal. At all times they are represented to be difficult to deal with as clients, and, from understanding imperfectly the proceedings of an English Court, to be obstinate and suspicious. Besides, it cannot be expected that any class of the professional persons by whom the business of the Court is to be conducted, should in general be quite equal, in all desirable qualifications, to those who exercise corresponding functions at home. It will not be supposed that we mean to make any exception, in this remark, of the higher offices, which at present are held by ourselves; but we have in view principally the conduct and management of suits involving an intercourse with native clients under circumstances which are much more difficult, and much more opposed to an accurate and beneficial exercise of the legal profession than any that occur at home. In almost all suits for partition amongst native families, there is another difficulty from the Court having to regulate the disposition of funds appropriated to the superstitious uses of their religions. Again, some of the longest, most intricate and expensive suits in the Court, have been occasioned by the charitable or religious bequests of Christians of the various sects which exist in India. In these, some of the Supreme Courts have been called upon to apply money to the benefit of Roman Catholic establishments at Goa, in others to Greek or Armenian churches on Mount Lebanon, and to settle disputes between rival establishments of Capuchin Friars. A commission has been prayed to inspect the records of the Vatican. One highly important case which long has been, and still is, before this Court, and which there is little doubt will ultimately come before the King in Council, presents the following circumstances: A Frenchman by birth, not outwardly professing any religion in particular, and who had for some time resided, and at last died at a very advanced age in the territory of Oude, which is, according to treaty, the separate dominion of a Mahomedan King, leaves great wealth, a part of which is in land; part of which at the time of the death is in France, part within the kingdom of Oude, part in the provinces or Mofussil of the Presidency of Fort William, and part within the town of Calcutta; some of the personal property is vested in public securities of the British Government in India, and some in the English funds. By his will he bequeaths legacies and landed estates to relations in France, and gives pensions for life to a set of native concubines and servants in Oude, makes large charitable bequests to the city of Calcutta, and the city of Lyons in France, involving the establishment of public schools at both places, to be continued for ever; and directs also the establishment of what he calls a college, but which is to be connected with a sort of caravanserai, where his tomb is to be lighted and watched, in the foreign and Mahomedan capital of Lucknow; and after providing for all these, there is likely to be a very large residue, respecting which, his directions are very inexplicit, and to which, when they can be found out, the next of kin of a man who had left France in a state of poverty 60 years before, and who had no kindred in India, have a dubious claim; and there is landed property in Calcutta, to which his heir-at-law, when discovered, may also make a claim; and

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

this heir, according to the English law, is not one of the next of kin, who are only of the half blood. The case is not brought into the Court until the assets have been many years in the hands of a mercantile firm, and are involved in a maze of accounts; once brought before it, however, the Court cannot decline to proceed, yet is only enabled to proceed in respect of the public charities at the instance of the Advocate General of the Company, whose official relations are in some respects calculated to embarrass his proceedings. When such circumstances may occur, and when it is recollected that the Court has no less than seven jurisdictions combined, as a Court of King's Bench, a Court of Civil Pleas, a Court of Oyer and Terminer, a Court of Admiralty, a Court of Equity, an Ecclesiastical Court and a Court for the relief of Insolvent Debtors, it will not perhaps be thought surprising, if complaints against it should sometimes arise out of the disputes of the suitors; except, however, in equity cases, there is no ground for any complaint of delay in the determination of suits; nor even in equity has the delay been at any time ascribable to the Judges. There are no arrears in any causes which are before them, and there scarcely ever have been any. The heaviness of the costs in some equity suits we have no doubt is an evil, though perhaps not greater than in England; and it will not be found to arise so much out of any particular fees, as from the misconduct or miscarriage of the equity suits, attributable, in a great degree, to the difficulties which we have noticed, but arising partly no doubt in some cases from the inattention or unskillfulness of professional men, and still more, perhaps, from the waywardness of the native clients. If we were called upon to devise a remedy for such evils upon the supposition of the continuance of the present constitution and jurisdiction of the Court, we do not know that we could suggest any other than a reform of the system of equity pleading and practice, a settlement of all bills of cost at stated periods of the year, by the Judges themselves, accompanied by a judicial examination into the conduct of each suit, a division of labour and allotment of business amongst the Judges, by which a more rigid discipline, if we may use the expression, in the conduct of the whole business of the Court might be enforced and, perhaps the establishment of a practice, by which the Judges might endeavor to arbitrate between the native suitors before they were fully committed in a suit.

35. We have now, however, in pursuance of the wish expressed in your letter submit to the consideration of the President and Board, a general view of arrangements as, in our opinion, would put the administration of the law in India upon a better footing. If we bring forward considerations, which at first appear to belong rather to policy than to law, we trust it will be perceived this is rendered necessary by the unusual circumstances of the case; for nearly the difficulties of it arise out of a peculiar policy, by which the laws in India have been made personal in their application, instead of being, as in most other parts of the world, local. This circumstance occasions unfortunately a certain difference of opinion, which will be noticed in a subsequent part of this letter, between the two sign it. We are sensible also that by reason of political measures being thus necessarily involved in our recommendations, we run the risk of suggesting what may at variance with views already formed, or with transcendent considerations of general policy, of which we have no information. This is a disadvantage for which we have no other help than to beg, that what we offer may be received as it is offered in the light of very humble suggestions, tendered with much distrust of our judgments, and with no other desire than to assist His Majesty's Ministers as far as we can in arriving at just conclusions of what is best to be done. Our observations are made upon the supposition, that India remains under the Government of the Company, subject to the control and regulation of the Crown and Parliament in all affairs of government, whether executive, judicial or legislative.

36. It appears to us to be desirable, that all the territories which are permanently annexed to any of the three Presidencies, and in which justice is administered and the revenue is collected and expended by officers of the British Government, should be declared, in the most unambiguous manner, to be dominions of the Crown of the United Kingdom, that all persons born within the same are subjects of that Crown, owe allegiance to it, and are entitled to protection from it; and that all persons residing there owe that temporary allegiance which would be due from them if resident in any other dominions of the Crown; and we have some confidence that within the provinces which constitute the three Presidencies, there are no subsisting rights of Native Princes, which would present any real obstacle to the adoption of this measure. It is a step, however, which would not perhaps be taken

by the British Parliament, if it were to be considered as securing to the countless population of India the rights of natural born British subjects. If the Legislature could not be satisfied by that exclusion from certain rights, to which all the unchristian natives would be subject as the law now stands, it might be necessary to enact, that the natives of the British territories in India shall not, by reason merely of their birthplace, be entitled, when resident within the United Kingdom, or any of the dominions of the United Kingdom other than the Indian territories, to any rights or privileges as subjects, beyond what would be allowed to the subjects of friendly foreign states, and that they shall be distinguished by the name of Indian subjects of the Crown of the United Kingdom; with a proviso, that all persons born in India, whose father or paternal grandfather shall have been British subjects, and other persons who according to law would be natural born British subjects if born in any foreign state, shall equally be natural born British subjects if born within the British territories in India. If such provisions would have the effect of depriving any classes of the Indian natives of rights to which they may at present be entitled as natural born British subjects, the distinct acknowledgment of their being at least subjects and entitled to protection, and the foundation which would be laid by the provisions hereinafter mentioned for their enjoyment in a part of India of legal rights, would appear to us to be more than adequate compensation for anything which would be justly said to be taken away.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

37. It is at this point that the difference of opinion to which we have already alluded as subsisting between us, must be noticed. Sir Edward Ryan thinks decidedly, that whatever ameliorations of the law and administration of justice are to be adopted, ought not to be limited, even at present, to what he considers to be an inconsiderable a portion of the territories annexed to this Presidency, but that it might be left to a Local Legislature to determine over what extent of territory any improved system might be established; and this opinion would apply equally to the admission of British persons to hold lands. In the whole of the preceding portions of this Letter, Sir Edward Ryan entirely concurs, and, with the exception above stated, he agrees in what follows; which, however, in consequence of that exception, must be expressed principally as the opinion of the other Judge, who recommends that a certain district around Calcutta, as the present seat of Government, should be formed into a separate province; and that for the government of that district only there should be, to a considerable extent, a separation of the executive, judicial and legislative powers of government, by means of a Legislative Council, and a Court of Appeal or Council of Judicature being added for that purpose to the existing political body of the Governor General in Council, within this province. All subjects of the Crown of the United Kingdom, as well British as Indian, without any distinction, might have the right of purchasing, holding and alienating lands, and the laws throughout that district should be rendered as inviolable, and the administration of justice as regular, and the security of person and property as perfect as possible; and it is obvious that more would be possible for a district, than either for the whole of India, or for a single town only like Calcutta. It is not meant that the English laws should be established, but that, subject to certain restrictions, a system should be adopted by the Legislature adapted to the whole circumstances in which the province would be placed, and that system should secure more rights to the people, and should be more certain than it is at present possible to give to the whole of India, which, taken altogether constitutes a subject vast, various and unsettled, that it is scarce possible to frame any law, which, if really intended to be enforced, can be universally applicable or which, if established to-day, may not be shown to-morrow to require amendment. For such a province the Delta of the Ganges, or the territory lying between the western or right bank of the Bhagheruttee and Hooghly River, and the eastern or left bank of the main stream of the Ganges, would be well situated of a convenient size, and it has a peculiar advantage in a well defined boundary; the other portion of the adjoining country, of which the circumstances might not require it, might even at present be included.

might be declared, that the rest of the territories of this Presidency, excepting the dominions of the Crown, and the inhabitants be subjects of the Crown, by reason of their magnitude and great population, and the various customs and habits of the people, and the obscurity of the customary interests in land and other circumstances, they cannot for some time to come be adopted throughout the extent to an equally regular and fixed system of Government, and for

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

these reasons the whole government of the same might be declared to be vested as before in the Governor General in Council, subject to former restrictions and qualifications; and it might be provided that whenever persons should choose to abide in, traverse or enter the said territories, they should be liable to the laws and regulations in force there, and to the authority and powers of the Governor General in Council, in like manner as any of the Indian subjects of the Crown would be, and that neither the Supreme Court nor any of the other Courts established or to be established within the provinces of Calcutta should have any jurisdiction whatsoever, or exercise any authority, powers or process whatever within any of the said territories, other than such as hereinafter are expressly and particularly mentioned; but that in all other cases whatsoever, when it should become necessary for giving effect to any decree, judgment or order of any of the said Courts, that the lands, goods or body of any person should be seized and taken upon any mesne or final process within the said territories, it should be done by such ways and means and in such manner and form, and according to such regulations as should be provided for that purpose by the Governor General in Council. If British persons could be contented to inhabit the provinces upon these terms, they might be permitted to do so. The necessity of the case seems to require, as to the greater part of India, that the Governor General and Council must have within themselves all legislative, judicial and executive powers, subject to no control but by the superior authorities in England, and it would be scarcely possible in the present state of things to make any laws or regulations for all India, which it might not become necessary the next day to disregard. But if the Parliament, clearly understanding and being prepared to adhere to this, should choose to put all the subjects of His Majesty, of whatsoever description in the provinces, upon an equal footing in relation to the law, there would not perhaps be any violent danger to the state to be apprehended, nor any oppression of the natives, which the Government might not be able, by a stern exercise of its power to restrain. There are however, two things which it does appear to be desirable to guard against in any general admission of British persons to the provinces. First, that of giving rise to a delusion that there are the means at present of establishing and enforcing throughout all India such an administration of law as that it might be profitable and advantageous to British persons, whether companies or individuals, to lay out money in landed estates and to engage in speculation throughout the provinces; this might be followed by great disappointment and discontent. Secondly, no opening nor pretence should be left for subsequent irritation and clamour, on the part of British persons, upon the grounds of their not enjoying the personal rights of English law. If the provinces are to be opened to them, let it be universally understood so, that no doubt may remain, nor a ground for subsequent reproach that they go to live under a despotic and imperfect but strong Government, that they carry with them no immunities or privileges but such as are enjoyed there by the natives themselves, and that it is impossible at present to give them either that security and easy enjoyment of landed property or those ready remedies for private wrongs, or that independence of superior jurisdiction which more readily constituted governments afford. A tolerable system of criminal judicature, we believe, might even at present be established throughout the greater part of India, and that at the principal stations Jury Courts might be established.

39. The Supreme Court, besides being restricted from exercising within the territories lying beyond the boundaries of the province of Calcutta any other jurisdiction than such as is hereinafter expressly mentioned, might likewise altogether cease to be a Court of original jurisdiction within that province, except in the cases hereinafter particularly mentioned, and the authority, powers and jurisdiction of the Court might henceforth be as follows: First, that within and throughout the provinces of Calcutta it should have a complete superintendence and control over all other Courts and Magistrates. Secondly, that no sentence of death by any other Courts of the province should be executed without the warrant of the Supreme Court, and that it should have an original and exclusive jurisdiction as to all those offences which, for distinction, are called offences against the State, and are of a treasonable or seditious nature, if committed within the province of Calcutta. Thirdly, that it should have an original jurisdiction as a Court of Chancery as to all conveyances or devises of land or gifts, or bequests of money for charitable or religious purposes, or other permanent public objects. Fourthly, that it should have

have an original Admiralty jurisdiction as to all crimes maritime punishable with death, and the King's Commission of Vice Admiralty for the trial of prize causes should be directed to the Judges of the Court; but this perhaps could not be enacted by Parliament without touching the prerogative, and must be left to the pleasure of the Crown. Fifthly, that it should be a Court of Appeal from the Courts of the province of Calcutta. Sixthly, that it should have the powers of the present Supreme Court for the collection of evidence in India in criminal prosecutions before the Parliament or the Superior Courts in England, and for giving effect in India to the judgments of those tribunals. Seventhly, that it should be lawful for the Governor General by commission to authorize and empower any one or more of the Judges of the Supreme Court of Appeal or Members of the Council of Judicature to exercise any judicial function, either original or upon appeal, or by way of inquiry, within the territories lying beyond the boundaries of the province of Calcutta, and respecting any matters arising within the same, whenever the importance and exigency of any case might require it.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

40. That a Legislative Council should be established for the province of Calcutta. Our views as to the formation of such Council have been already stated in a communication made to the Governor General in Council. We would only add here, that, consistently with the scheme presented in our present Letter, the right of legislation of the Council would be restricted to the province of Calcutta, but that it might be employed for the other territories whenever the Governor General in Council should think it expedient. If the additional charge upon the revenue would not be an objection, the Members of the Legislative Council might be entirely distinct persons from those of the Council of Judicature or Court of Appeal; and at all events, we should propose that the Governor General should have the right of presiding in the Legislative Council, and that nothing should be enacted, even for the province of Calcutta, without his consent; nor should we see any decisive objection against his presiding also, by appointment of the Crown, in the Council of Judicature or Court of Appeal, whichever it might be called, if it should be thought that in this way a more perfect harmony of government would be secured. Each of these bodies might perhaps be advantageously constituted of two persons, appointed by the Crown, from England, and of one of the civil servants belonging to the existing Council, and of the Governor General himself.

41. The first duty of the Legislative Council would be to constitute subordinate Courts of Justice for the province of Calcutta, and until this should be done the Supreme Court and Country Courts must continue to exercise their respective functions. Our opinions upon this point also, of a system of Courts adapted to India, has been expressed to the Government at their request; and we would only observe here, that for the province of Calcutta we conceive that below the Court of Appeal or Council of Judicature there ought to be one Provincial Court held at Calcutta, about four Zillah Courts, the town of Calcutta and its suburbs constituting of itself one Zillah, and an adequate number of Pergunnah Courts, each permanently established on a fixed spot, which either should be some existing village, or would naturally become the centre of a township. All persons without exception might be by law eligible as Judges and Officers of the Courts; but in practice, one at least of the Judges of any Zillah Court ought at present to be a natural born British subject, and in the Provincial Court all the Judges should be natural born British subjects, and one of them should be an English barrister of some years standing. With the exception perhaps of that one person, and certainly of two of the Judges of a Court of Appeal or Members of a Council of Judicature, who ought to be appointed by the Crown, the other Judges of all the Courts within the province of Calcutta might be appointed by the Governor General in Council. The appropriate functions of each of these Courts it would not be difficult to arrange.

42. The Governor General and Council, as at present constituted, would retain within the province of Calcutta all their present powers, as far as they should be consistent with the new provisions; and it ought to be declared, much more plainly than has hitherto been, that throughout the other territories they have the exercise, themselves or through the Company's servants, of all authority, executive, legislative and judicial, subject to the direction and control of the Court of Directors and of Commissioners, and to the supreme power of the Crown and the Parliament. The Governor General, in Council, however, should also have the discretionary right of calling in aid the Legislative Council or Court of Justice.

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

of Appeal, and referring to them any matters arising in any part of the territories, and of appointing, upon emergencies, the members of those bodies or any other persons Commissioners to act in and for any part of the territories.

43. The basis and essential part of this plan is, that the two sorts of law and government which it seems to be necessary to maintain in India, should respectively be confined to separate local limits, instead of clashing together within the same. We consider it a radical defect, that in India the laws are not local, as in most other countries, but personal, and we would make them local. We do not mean that the system to be established around the seat of government should be exclusively British, but one adapted to all the circumstances of the country, though in complete subordination to the Crown and Parliament. The plan, if happily executed, might afford to British persons, and to any other classes of the community who should set a value upon the protection of firm laws and a regular system of Courts, the opportunity of living under them; on the other hand, it would secure the natives in the Outer Provinces from that annoyance which it is affirmed they have occasionally experienced from the process of the English law, and it would preclude all collision between the two sets of Courts and systems of law. In a great measure it would do away with any invidious distinctions in this country between the different classes of inhabitants. In the province of Calcutta, all without distinction would have the most important rights belonging to the inhabitants of a British settlement: in the other territories, all would be equally reduced to such as might be found consistent with the more despotic power, which necessity should require to be maintained there. This need not be at all more despotic than at present it is, as to those who constitute 99-100ths of the whole population: on the contrary, let it be mitigated as much as may be consistent with security; but let British persons who voluntarily place themselves under it be as much subject to it, and in the same manner, as the rest of the people with whom they mingle. Those who now, for the temporary purpose of trade, connect themselves with the cultivation of land in the interior, would continue to do so, whilst for those who should wish to settle for life in India, and to purchase durable and secure interests in land, the province of Calcutta would present a sufficient area for some years to come; and all who are acquainted with the country will acknowledge the general advantage which would result to the British inhabitants from the increase in number of places convenient for their residence even within that limited space. The province would not be so large as to make it an unreasonable expectation, that throughout that district, in which already there is every where a permanent settlement of the revenue, the Courts of Law and a Legislative Council together might be able first to ascertain, and in some degree fix, the nature of those customary interests in land, which are so great a difficulty in the way of making any property in it valuable or secure, and might provide some ready means of settling the disputes which will arise out of this sort of property as long as it subsists; and at the same time some course might be opened by which, with the strictest regard to justice, and without any preference of the English to any other system of law, those inconvenient and barbarous forms of property, such as have at some time or other existed in almost every other country, might, as in other countries, be gradually resolved into more convenient, simple and definite ones, to the advantage of all parties. We wish it to be clearly understood, that it is not English law, but whatever law should be found best adapted to the country, that we should seek to establish, subject to certain specified exceptions and restrictions, preservative of the sovereignty of the Crown and authority of Parliament. The task of preparing establishing and conducting of a firm system of law within the province of Calcutta might afford as much occupation to those who now find employment in the Supreme Court, as they would lose by the alteration of its jurisdiction. The interests of religion, and the progress of education, would seem to us to be likely to be promoted by these arrangements, and the Legislative Council and Court of Appeal would constitute channels for the exercise of that control by the Crown and Parliament, within a part of India, over all legislation and administration of justice, which, if they are to remain British, must, in some way or other, be ultimately established throughout the whole territories, even though India should be distinct a portion of the British dominions as Ireland was before the Union, gradually as the system should be perfected within its limited range, it extended to other provinces.

44. In these recommendations we beg leave to disclaim all feelings adverse to the East India Company. Alterations heretofore have taken place in the constitution of the Company, and others no doubt will take place hereafter; but we do not foresee any circumstances in which it would not appear to us to be desirable that the main organ of government for India should be a body of Directors, resident in England, and elected by the holders of stock representing property in India, and depending mainly for its value upon the prosperous condition of that country; and there is scarcely any imaginable case in which the existing Company must not almost necessarily constitute the basis of a government of that description. We regard with consideration and respect the position and interests of those by whom, under the Directors, India is for the most part actually and immediately governed. They and their connections form as it were a large family, which has claims on India, founded in a long expenditure upon it of all that is valuable in life. They only are qualified by information and experience to conduct by far the greater part of its affairs; and one of the principal points in all plans for the government ought to be the preservation of all their real interests, and the securing of their willing and cordial assistance.

45. If our suggestions should be thought deserving of further consideration, we shall be happy to enter into more complete details of what has been stated in this letter, in a very general and imperfect manner, or to communicate any information in our power respecting any other plan which may be thought preferable. We are strongly impressed, however, with the conviction that the trade with India being free, there must necessarily be a greater resort to Bengal of British persons, and more numerous population imbued by them with British notions than can be confined to Calcutta or its immediate neighbourhood, and that it is in the highest degree desirable to establish an uniform system of laws for all descriptions of persons in all portions of the territories, as will admit of its being easily done and firmly cured. Our opinions differ as to the extent to which this might at present be carried, and by one of us it is considered as a strong recommendation of the plan of confining the immediate change to one province, that, except as to the putting British persons in the other territories on the same footing as the natives, it is in perfect accordance with the principles and basis of the existing arrangements. The creation of a province of Calcutta would be little more than an enlargement of the boundaries of the town; but by relieving the Supreme Court from the greater part of original jurisdiction, and making it principally a controlling authority, and by putting on the spot an efficient legislative power, it might be hoped that a much better state of things would be established throughout the province than has ever subsisted within the town.

46. We communicated a short time ago to the Governor General in Council a rough draft of this Letter, together with other papers which had been called for in the course of a correspondence which has been going on for some time. The opinions of the Government are opposed to the plan of establishing, within any one district, a distinct system of law. Perhaps a further consideration and discussion of the subject will remove some misapprehensions on either side, and show that the views of no party are very dissimilar from the rest. At this time the town of Calcutta is under a law at least as different from the rest of the Presidency, as it has ever been. It is divided between two different systems of law or government existing on the opposite banks of the Hooghly than that which at present exists, nor than that which is found to be very tolerable on those of the Rhine or the Maise. In practice it may be hoped that in this way there would be much less inconvenience than that which now is occasioned by the different systems being carried about from place to place, as appertaining to the persons of the individuals of whom the several classes of the population are composed. If India indeed was an independent country, and a completely new system of law was to be established in it, no reasonable person would think of putting different parts of the country under opposite systems of law. But the reasons of some of the Judges for thinking that this should be done at present in Bengal in the manner above stated, are, first, that it has long been one main feature of the existing system; secondly, that although it seems to have become necessary that British persons should be more freely admitted into the country, the time has not yet come when they may be placed throughout the whole country on the same footing as the natives; and, thirdly, if some portion of the territories be not set apart as a connecting link and rivet with the United Kingdom, there may be some reason to apprehend

V.
Legislative
Councils;
Courts of Justice;
Code of Laws.

apprehend that the whole legislative and judicial powers of Government would assume a discretionary character, over which it would be impossible to exercise Europe any efficient control. Instead of laws, there might be merely a set of loose regulations, which, from the vastness and irregularity of their subject-matter, could not for many years, by any human efforts, be made universally applicable. Fixed laws, so that neither could any subject insist upon the execution of them for his protection, nor could any controlling power in the United Kingdom say when they ought or ought not to be enforced; whereas, if a limited district were set apart, a system might be maintained within it as much subject to the control of the Crown and Parliament as any English colony is, and gradually what should have taken root there, might be spread over larger circles.

We are, &c.

(signed) *Charles Edward Grey.*
Edward Ryan.

(A true copy.)

(signed) *J. Thomason,*
Offg Depy Secy to the Govt.

I N D E X.

The Figures refer to the Pages ; the Names in *Italic*, at the end of the Paragraphs, between (), indicate the Persons whose Opinions are expressed in the Documents.

A.

APPEALS, Courts of. See *Courts of Justice*.

B.

Bombay. Contention between Government and King's Court at, 13, 25, 72—Assumption of jurisdiction by King's Court at, 16, 29, 62—Its power of issuing mandatory writs, *ib.*—Its extraordinary jurisdiction, what, *ib.*—Its charter, *ib.*—Decision of Privy Council as to writ of Habeas Corpus ad Subjiciendum, 128.

British Subjects, and Subjects of Great Britain, who, 45, 66, 69 *et seq.*, 85, 92, 131.

C.

Cases in King's Courts in India:—"Chowdry against Chowdry," 4 *et seq.*—Nawab of Masulipatam, 26—"King against Khoda Buksh and Others," 44, 49 *et seq.*, 61—"Morton against Mehdi Ali Khan," 59, 84, 89—"Syed Ali against Kullee Moollah Khan," 63—Case of an infant ward, 70—Of homicide, 80—Of Claude Martin, 135—Of opposite decisions in King's and Provincial Courts in India, 29.

Code of Laws. See *Laws*.

Colonization of India; Opinions on, and its effects on judicial system of India, 77, 94, 140, 147.

Courts of Justice. See *Justice*.

D.

Dewanny; Legal effects of grant of, to East India Company, 65, 119 *et seq.*

E.

East India Company; Origin of, 118, 163—Obtain grant of territorial revenue, *ib.*—Grounds on which they held their powers, 119, 164—Provisions of British Parliament respecting their acquisitions, 119, 165—Grounded on sovereignty of British Crown and authority of Parliament, 120, 165—Not intended to abrogate previously existing laws of new territory, 120, 166—Judicial power of first East India Company, 122, 167—State of Company's territories antecedent to establishment of King's Courts, 123, 168—Obscurity in which East India Company and Indian territory stand in relation to Crown and Parliament, 129, 175—East India Company the most convenient organ of Government in India, 130, 140, 176—Judicial and legislative powers exercised by them, 130, 132, 176, 179—Consequences of their succession to old governments of India, *ib.*—Their delegated sovereignty, *ib.*—Their exercise of right of taxation, 131, 177—Their commercial concerns no obstacle to reform of judicial system, 147.

East Indians; Their position in respect to jurisdiction of King's Courts in India, 24.

G.

Grant, Sir John; Decision of Privy Council on his petition, 127.

I.

India. British territories in, the dominion of Crown of United Kingdom, 106, 119, 120, 130, 147, 160—Right of Parliament to legislate for, unquestionable, *ib.*—Future establishment of an aristocracy in, 77—Natives of, their situation in respect to jurisdiction of King's Courts, 2, 14, 17, 20, 21, 121—Expediency of preserving their peculiar law and usages, 69—Its effects on other classes of inhabitants, 71—Real interests of Natives in harmony with those of England, 75.

Inhabitants; Legal import of the term in statutes relating to India, 59, 83, 86, 89.

Insolvent Act imperfectly applicable to India, 2.

J.

Juries might be constituted in interior of India, 31, 38, 40, 95, 117, 149, 184.

JUSTICE, Courts of:

Jurisdiction of King's Courts in India involved in doubts, 2—Productive of alarm to native subjects, 2—Their jurisdiction extended beyond the intention of Legislature, —Want of consistency of proceeding at several Presidencies, 2—European settlers should be liable to authority of local courts, 2.—(*Governor General in Council.*)

Suit of "Chowdry against Chowdry," involving question of jurisdiction of Supreme Court, Calcutta, touching real property in provinces, 5.—(*E. Macnaghten, Esq.*)

Opinion as to appointment of Receivers, by Supreme Court, to act in the provinces, 10, 11—As to its jurisdiction over real property out of Calcutta, 10.—(*John Pearson Esq. Advocate-General, Calcutta.*)

Directions to Collectors of Revenue in regard to Receivers appointed by Supreme Court, 11.—(*E. Molony, Esq.*)

Inconveniences of European officers of Supreme Court collecting public revenue in provinces, 12.—(*Board of Revenue, Calcutta.*)

Dissensions between local governments and King's Courts discreditable and dangerous, 13—Supreme power ought to rest with Government, 13, 18—Jurisdiction of King's Courts should be accurately defined, 14, 16, 18, 22—First establishment of Supreme Court in Bengal, 15—Extension of its jurisdiction restrained by law, 15, 21—Seed of dissension exist in undefined jurisdiction at all Presidencies, 15—Constructive jurisdiction, and its effects, 15, 16—On landed property, 16—Assumption of jurisdiction by King's Courts at Madras and Bombay, 16—Jurisdiction assumed by King's Courts over native convicts, prisoners, and wards, in provinces, 17—Extension of jurisdiction may be oppressive, 17—Courts should not have power of determining their own jurisdiction, 18—Extent of jurisdiction intended by Legislature, 18, 20—Distinction between ordinary and extraordinary jurisdiction, 19—Certain classes of natives also subject to jurisdiction of King's Courts, 20—Judicial charters, 20 *et seq.*—Origin and operation of universal criminal jurisdiction claimed at Bombay, 22—Schemes for regulating jurisdiction, 22—Amalgamation of King's Courts and Provincial Courts, —Qualification of Judges, 24—Mode of administration through Local Courts, 25—Power claimed by Supreme Court at Bombay incompatible with separate jurisdiction of Company's Courts, 25—Mode of regulating exercise of that power, 26, 27—Extension of jurisdiction respecting testaments, 26—Stretch of jurisdiction at Madras, 27.—(*Hon. C. T. Metcalfe.*)

Apprehended inconvenience from interference of King's Courts with landed property in interior exaggerated, 27—Inconvenience of want of complete concurrence of authorities, 27—Operation of jurisdiction of King's Courts over immoveable property in interior, 27—In respect to public revenue, 28—To tenantry of wards, 28—Lands exempt from revenue, 28—Collectors might be appointed Receivers, 29—Application of law whereby one British-born subject cannot be impleaded by another in Country Courts, to executorship, 29—Collision between courts with concurrent jurisdiction, 29—King's Courts might be made part of a general scheme of judicial administration, 29—Opposite decisions by King's and Provincial Courts, 29—Jurisdiction assumed by Bombay Court, 29—Defective and inadequate jurisdiction of Provincial Courts, 30—Jurisdiction of King's Courts might be regulated by a system of registry, 30—Provincial Courts might be instrumental to process of King's Courts, 30—Uncertain jurisdiction productive of alarm and oppression to natives, 30—Remedy, 30—Process in suits respecting land should be served through Local Courts, 30—Special Court for questions of concurrent jurisdiction, 30—Cognizance of offences committed by British subjects in interior, 31.—(*Mr. Holt Mackenzie.*)

Extension of jurisdiction of King's Courts to lands in provinces not likely to injure revenue, 32—Remedy for possible evils, *ib.*—Receivers appointed by Supreme Court would be amenable to local law, *ib.*—In adjudicating transfers of property in provinces, King's Courts do not alter laws to which the property is subject, 33—Dou

JUSTICE, Courts of—continued.

as to law respecting suits between British-born subjects in' Country Courts, 33—Injurious effects of limiting too severely jurisdiction of King's Courts, 33—Power of Sudder Dewanny Adawlut to punish contempt and perjury, 34, 41—System of registry difficult, 34—Employment of Local Courts in aid of process of King's Courts objectionable, *ib.*—(Mr. W. H. Macnaghten.)

Appointment of Receivers by King's Courts essential to its jurisdiction, and not productive of inconvenience, 34, 35—Objections answered, 35–37—Jurisdiction of King's Courts over lands in interior conceded, 35—Want of reciprocity in process of King's and Provincial Courts, 36—A system of registry inefficient, 37—Precautions against abuse of process of King's Courts, 37—Natives in provinces not subject to jurisdiction of King's Court by reason of land held in Calcutta, 37—Process of King's Courts not suitable to country, 37—Employment of Provincial Courts in aid of process of King's Courts, 37—So employed at Madras, *ib.*—Jurisdiction of Sudder Dewanny Adawlut in perjury, 38—Legislative provision necessary for trial of British subjects in interior, 38—General sessions with juries of native Christians, 38.—(Mr. J. W. Hogg.)

Jurisdiction of Supreme Court over property out of Calcutta, 38—Receivers should be amenable to local law, 39—Controlling power of Supreme Court over provincial judicial authorities, 39—Suits between British-born subjects in provinces, 39—King's Courts might have concurrent appellate jurisdiction with Provincial Courts, 39—Process of King's Courts should be executed in provinces by local authorities, 40—Objection to special Court for questions of concurrent jurisdiction, 40—Objection to Sessions in provinces, 40.—(Mr. A. Ross.)

Sudder Court no power of punishing European British subjects for contempt, 42—(John Palmer*, *Esq. Advocate-General*.)

* Qu. Pearson.

Opinions of Mr. Minchin, Mr. Serjeant Bosanquet, and Sir N. Tindal, on statute 53 Geo. 3, c. 155, affirming power of Provincial Courts to take cognizance of civil suits, in which both parties are Europeans, 42 *et seq.*

Supreme Court's jurisdiction of Oyer and Terminer, in criminal offences committed by natives beyond limits of Calcutta, 44—Legal import of term "British subjects," 45—Natives not liable to jurisdiction, 46—Difficulty of defining criminal jurisdiction of Supreme Court, 46—Rule of construction of statutes, 47—Painful difficulties attending undefined jurisdiction, 48—Case of "Khoda Buksh and others," 48 *et seq.*—(Judges of Supreme Court, Calcutta.)

Recorder's Court of Singapore, Malacca, and Prince of Wales's Island, 52—Consequences of a professional Judge in that Court, 52—Power of the Court adverse to raising revenue, 52.—(Mr. R. Fullerton.)

Judicial districts or circuits might be established at each Presidency, 57—Vindication of constitution and proceedings of Supreme Court, 59—Its asserted assumption of jurisdiction, 59, 61—Case of "Morton against Mehdi Ali Khan," 59—Its jurisdiction over natives trading at Calcutta, 59—Over property of British subjects in interior, 60—Over natives beyond boundary of Calcutta, 61—Appointment of Receivers belongs to Supreme Court as a Court of Equity, 61—And is essential to execution of its functions, 62—Vindication of Courts of Madras and Bombay, *ib.*—Grant of probates and administrations to natives, 62—Case of "Syed Ali against Kullea Moollah Khan," 63—Compulsory process of Court in territory of allied States, 63—Whole jurisdiction of Court, 64—Over natives, *ib.*—Over other subjects of Crown, 64—Obstacles of Court on its first establishment, *ib.*—Original intention of East India Company to bring all native courts in subordination to Supreme Court, 64—Subsequent tendency to opposition, *ib.*—Want of co-operation on part of the Government, 64—Judges of Court not to be assumed to have overstepped jurisdiction, 64—Acknowledgment by Parliament of independence of Provincial Courts, 69—And of Governor-General in Council as a Court of Appeal, *ib.*—Consequences of boundaries of jurisdiction not being accurately defined, 69, 70—Doubts as to terms "subjects" and "British subjects," 70—Illustration of doubtful jurisdiction of all Courts in India, 72—Supreme Court no subordinate, except Court of Requests, 73—Alterations in its powers have been restrictions, *ib.*—Construction of alterations doubtful, 73—Imputation of encroachment unjust, *ib.*—Defects will be in future more embarrassing, 73—Collisions of authority, *ib.*—Remedies, 74—Objections to Government controlling King's Courts, 74—Want of connection between King's and Provincial Courts, 75—Effects, 76—East India Company, if only a political organ, might have entire ordinary administration of justice, subject to a King's Court of Appeal, 76—Provincial Courts and Courts of Circuit to have jurisdiction over all persons, 76—Qualification of Judges, *ib.*—New Courts, with increased powers, would be required, on free admission of British subjects into interior, 77.—(Sir C. E. Grey.)

Proposed supremacy of Government over King's Courts, 82—Jurisdiction of King's Courts, 82—Cause of doubt as to jurisdiction, *ib.*—Case of "Morton against Mehdi Ali Khan," 84—Attachment of property in interior by process of Supreme Court, *ib.*—Court's jurisdiction in criminal cases beyond bounds of Calcutta, 85—Clear defini-

JUSTICE, Courts of—continued.

nition of extent of jurisdiction required, 85—Court not anxious to extend it, 86—Arrests in territories of Native Princes, 86—Objection to appointment of local officers as receivers, 87—Registration of decrees in provinces, *ib.*—Subjects, partly European and partly Asiatic, should be, as to principal jurisdiction, or footing of British subjects, 87—British subjects should be amenable to Local Courts as to contracts or of jurisdiction of King's Courts, 87—Advantages of Supreme Court being a Court of Appeal, 87—Rules of respective Courts, *ib.*—(Sir J. Franks.)

Evils of imperfectly-defined jurisdiction of King's Courts in India, 88—Appointment of Receivers in provinces not productive of great practical evil, 88—Legal jurisdiction of Supreme Court, 89—Extends to immoveable property in provinces, *ib.*—And to constructive inhabitants of Calcutta, 90—Natives taking probates or administration should not be subject to jurisdiction, 91—Control of Government over Supreme Court objectionable, 92—Contrary to intentions of Legislature, *ib.*—Effects of doubtful jurisdiction of Court, 93, 94—Europeans settling in India should be amenable to Local Courts with less limited powers, 94—Effects of colonization on judicial system, 95—Reconstruction of Courts, 95—Assimilation of Courts and forms of proceeding throughout India, 96—Introduction of English language, *ib.*—Selection of Judges, 96—Appeals, 96.—(Sir E. Ryan.)

King's Courts necessary as long as East India Company continue to trade, 105—Operation of general admission of European settlers on arrangements for Courts of Justice, 105—King's Courts of Appeal desirable, 106—Majority of Judges should be appointed by Crown, 106—New arrangements should be gradual, *ib.*—Court of last resort should be a King's Court, 106—A sufficient number of good Courts might remedy difficulties arising from law of landed property, 113—Arrears in Provincial Courts and Native Judges obstacles to introduction of British landholders into India, 114—Establishment of Courts in provinces, 114—New division of territory, with Court in each division, 114, 115—Jurisdiction and constitution of these Courts, 115—A Supreme Court of Appeal, with original jurisdiction, in each Presidency, 115—Regulation of Appeals, 116—Every Court to have power of issuing writ of *Habeas Corpus*, 116—Visitation of Judges, *ib.*—Mode of appointing Judges, *ib.*—Rules as to districts in which causes are to be tried, 116—Persons amenable to the Courts, 117—Execution of process, 116—Juries, 117—Cases for Court of Equity, 117—Jurisdiction as to testaments, 117.—(Judges of Supreme Court, Calcutta.)

Object of statute 13 Geo. 3, c. 63, to afford means of bringing territorial acquisition into subordination to Fort William, and under control of a Supreme Court, 120, 166—Powers and jurisdictions given to Supreme Court by the statute, 122, 167—Regarding conservation of peace, 123, 169—To hear and determine pleas, 125, 170—As Court of Oyer and Terminer, 125, 171—Constructive extent of jurisdiction under the statute, 125, 171—Productive of contests, 126, 171—Impression that Judges exceeded their authority erroneous, 125, 171—Limitations by statute 21 Geo. 3, c. 70, *ib.*—Whole system of Provincial Criminal Courts not established by a power created by Crown or Parliament, 127, 172—Present extent of jurisdiction of Supreme Court, 127, 172—Writ of *Habeas Corpus ad Subjiciendum*, 127, 173—Difficulties arising from decision of Privy Council, 128, 173—Predicament of certain out-lying Factories, with reference to existing jurisdiction of Supreme Court, 128, 174—Impediments to Courts, 129, 174—In respect to its process against lands in interior, 129, 175—Obscurity as to relation of Indian territories and East India Company to Crown and Parliament, 129, 175—Complicated state of law, 129, 175—Embarrassments arising from doubts as to sovereignty of India, 130, 176—From doubtful application of statutes, *ib.*—From uncertain sense of term "British subjects," 131, 177—From improvident addition to jurisdiction, 132, 178—No plan for gradual assimilation of British and Native systems, *ib.*—Effects of the separation, 133, 179—Experiment of one harmonious system in a district, 133, 179—Difficulties arising from imperfections of Acts of Parliament and Letter Patent, 133, 179—Defects of statute 21 Geo. 3, c. 70, *ib.*—Variations between charter of different King's Courts, 133, 179—Difficulties inherent in Court's original constitution, 134, 180—Imperfections of Hindu law, *ib.*—Hindu and Mahomedan law of property, 135, 181—Difficulty of administering that law by forms of Supreme Court, *ib.*—Regulation of funds for superstitious uses, 135, 181—Case of Claude Martin, *ib.*—Supreme Court not chargeable with delay or expense of suits, 136, 182—Remedies, *ib.*—Declaratory law as to sovereignty, and legal character and rights of inhabitants of India, 136, 182—Experimental districts to be called "Province of Calcutta," 137, 183—Difference of opinion of Judges on this point, 183—Proposed definition of jurisdiction of Supreme Court, 138, 184—Governor-General to preside in Court of Appeal, 138, 185—Proposed subordination of Provincial Courts, *ib.*—Separation of judicial and executive functions basis of plan, 139, 186—Effects on British settlers and natives, 139, 186.—(Judges of Supreme Court, Calcutta.)

Objections to introduction of new judiciary system in district, 144—Gradual reformation practicable, 146—Effects of settlement of Europeans in interior, 147—State of business in several Provincial Courts, 148—Employment of Native Judges, 148—Should be in subordination to European Judges, 149—Tribunal between Zilla Courts and Court of final jurisdiction objectionable, 149—Restriction of appeals desirable



Digitized with financial assistance from

Government of Maharashtra

on 01 February, 2020

